

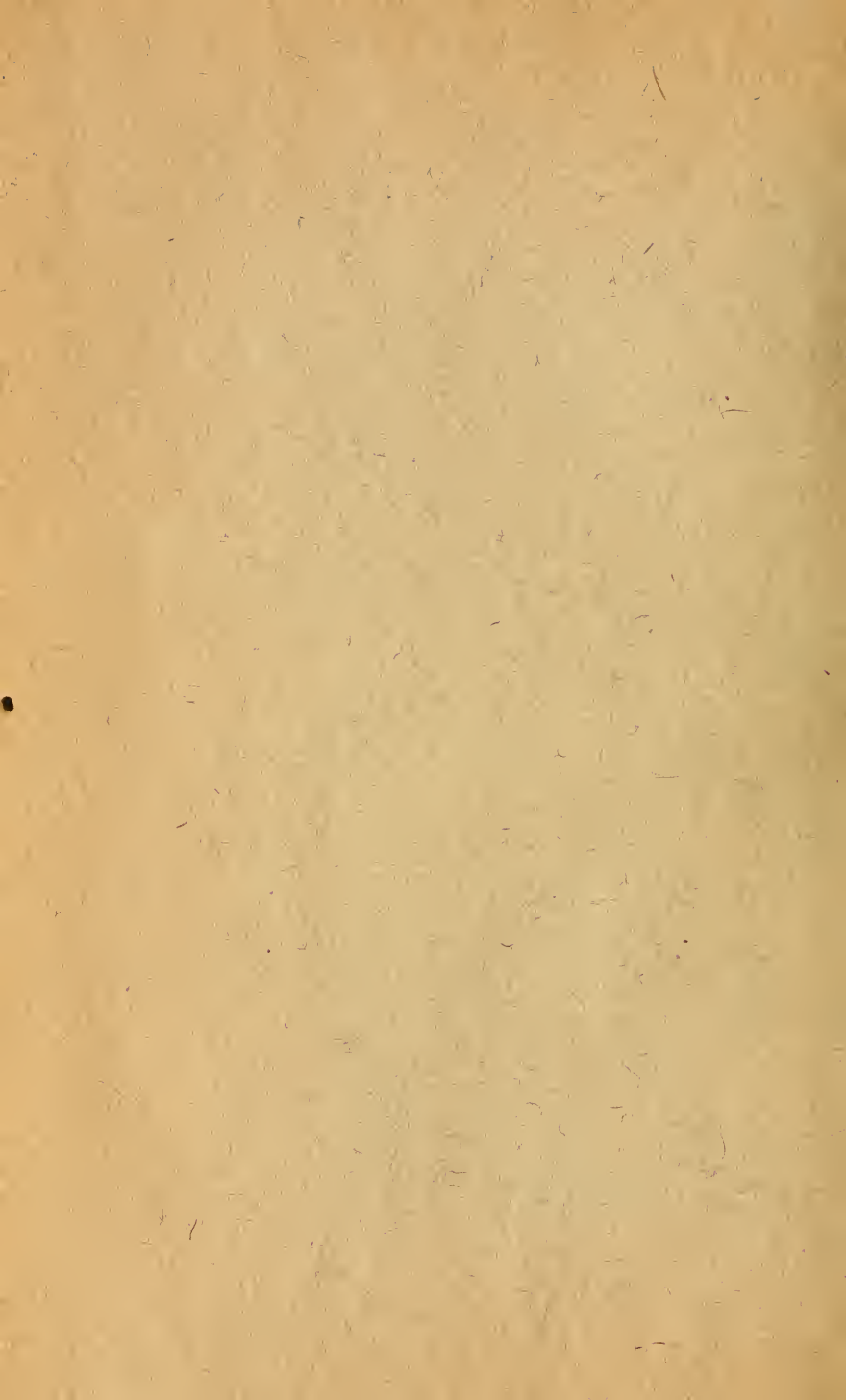
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PAPERS OF THE HISTORICAL SOCIETY OF DELAWARE.

VI.

MINUTES

-OF-

THE COUNCIL

OF THE

DELAWARE STATE,

FROM

1776 TO 1792.

THE HISTORICAL SOCIETY OF DELAWARE,
WILMINGTON.

1887.

H. C. 12



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INTRODUCTORY NOTE.

Although the Swedes were not the original discoverers of the Delaware Bay and River, they were the first colonists who made a permanent settlement on its western shore. Henry Hudson, under a commission from the Dutch East India Company, having failed to find a nearer route to China by the Northern Seas, turned his course southward to explore the coast of North America. In the prosecution of this object, he sailed into the Delaware Bay, above Cape Henlopen, on the 28th of August, 1609, but, believing the navigation to be dangerous on account of sand-bars, did not go up the river. In the following month he anchored off Manhattan Island, and subsequently ascended the river which still bears his name. In October, of the same year, he returned to Holland with a report and chart of his discoveries. In the next year, 1610, some merchants of Amsterdam, acting as partners, freighted a ship and sent her to Manhattan to trade with the natives. This adventure proving profitable, they obtained from the States-General exclusive authority for four years to trade on the North River and its vicinity. In 1614, the Dutch built Fort Amsterdam on the southern point of Manhattan, and, at a later period, Fort Orange on an island near Albany. At these places they enjoyed a monopoly of trade with the Indians for several years. In 1621, the States of Holland granted a charter for twenty-four years to the West India Company, with exclusive powers and privileges. The business of the company was commercial. To successfully prosecute it, colonization was necessary. Hitherto the Dutch had only established trading-posts in America; but from this time efforts were made to settle the country, both on the Hudson and the Delaware,* or South River, as it was then called. It was under the auspices of this Company that the first Dutch colonists landed on the shores of the Delaware, in 1623. They came from Holland under the leadership of Cornelius May. They brought with them merchandise and the means of defense, and sailed up the river as far as Gloucester Point, New Jersey, about four miles

* So called in honor of the English peer of that name who entered the bay one year after its discovery by Hudson.

south from Philadelphia. Here May landed and built Fort Nassau. This adventure was not profitable. De Vries, it is conjectured, came over from Holland in the spring of 1631, with a ship and a yacht, laden with cattle, grain, seeds and agricultural implements. His people settled near Cape Henlopen, on Lewes Creek, which he named Hoorn-kill, probably after Hoorn, a port in north Holland. He built a trading-house, or fort, and leaving one of the emigrants in command returned home. This colony was destined to be of short duration. Soon after the departure of De Vries, a quarrel arose between the Dutch and the Indians, which speedily terminated in the slaughter of all the former, thirty-two in number.

De Vries came over again in 1633, to see the charred remains of his fort on Lewes Creek and the bones of his murdered countrymen, and sailed up to Fort Nassau, only to find it in the possession of the natives, its former occupants having mostly removed over to Fort Amsterdam. Thus, it will be seen that from the daté of Hudson's discovery, 1609, up to the time of De Vries' second visit, every attempt of the Dutch to plant a colony on the Delaware had ended in failure and disappointment. Their settlements on Manhattan Island, and on the North River, in the meantime, had been more prosperous, and continued to grow in population and wealth until all their possessions in America, called New Netherlands, were finally surrendered to the English, under the treaty between the States-General and England, of the 9th of February, 1674.

Gustavus Adolphus, the soldier-king of Sweden, and the champion of the Protestant cause in Europe, in the early part of the seventeenth century, had projected a plan of sending out a colony to America, which he did not live to carry into execution, having fallen in the battle of Lutzen, in 1632, in the zenith of his fame; but his distinguished Chancellor, Oxenstiern, faithful to the memory of his king, and having confidence in the success of the enterprise, prevailed on Queen Christina, the daughter of Gustavus, to give it her patronage. Peter Minuit, who had been Governor of New Amsterdam, and had lately quarrelled with the Dutch Company and been dismissed from his office, was selected to take charge of the expedition, and under his direction two vessels, the "Key of Calmar" and the "Griffin," were equipped for the service. They were stored with provisions, with arms and ammunition, and with merchandise for

trade. They arrived in the early spring of 1638, and sailed up the Delaware. The colonists disembarked at "The Rocks," on Minquas Creek, where they at once erected a fort, naming it, in honor of their youthful Queen, Fort Christina.

By the public records at Stockholm, it appears that in 1640, several companies of emigrants left Sweden for the new colony. One ship, called the *Fredenburg*, laden with men, cattle, and implements of husbandry, was licensed by the Swedish authorities to proceed to New Sweden, as they called the country on the west side of the Delaware. Peter Minuit, the first Governor, died in 1641, and was succeeded by Hollendare, a native Swede and a soldier by profession, who was soon followed by John Printz, a lieutenant-colonel in the service of the Queen. Governor Printz came out with a little squadron of two ships of war and a transport, having on board soldiers and a large number of emigrants, and arrived at Christina on the 15th of February, 1643. In seeking a location for his colony he found a spot, a short distance above where Chester now stands, called by the Indians, *Tenacong*, since known as *Tinicum*, and, still later, as *The Lazaretto*. In his commission he was styled Governor of New Sweden. His instructions, dated at Stockholm, August 15, 1642, point out, in detail, his official duties. Among other things, he is directed:

"1st. To promote, by the most zealous endeavors, a sincere piety towards Almighty God, in all respects. To maintain the public worship according to the doctrines and rites of the National Church. To support a proper ecclesiastical discipline. To urge instruction and virtuous education of youth and children. To administer justice according to Swedish laws in decision of controversies, and penalties on offenders—even capital, on atrocious malefactors—but not without a scrupulous examination, and the approbation of his counsellors, whom he was to choose amongst the wisest and best men in the colony. To preserve, so far as practicable, the manners and customs of Sweden, accommodating them, in some cases, to existing circumstances. To promote diligently all profitable branches of industry." Particular attention is to be given to agriculture, and to the raising of cattle and sheep. He is also to create a traffic for peltry, with the Indians, and to explore the country for valuable kinds of woods and metals.

"2d. Relating to the Dutch and English. With the first mentioned he was to cultivate a friendly intercourse, but positively to deny their *pretended* right to any

part of the land on the west side of the river, purchased by the Swedes from the Indians; * * * * * and he was authorized, if all friendly negotiation proved fruitless, to repel force by force." * * * * * "Some English families, about sixty persons, having settled in the preceding year, (1641) on Ferken's Creek," (now Salem) * * * * * "he may receive them under allegiance to the Swedish Crown, but rather by gentle means endeavor to effect their departure, as more expedient for the interest of her Majesty, and of the Company."

Soon after the arrival of Printz, the struggle began between the Dutch and the Swedes for the control of the territory on the west shore of the Delaware, from the Schuylkill to Cape Henlopen, the former claiming by right of discovery and settlement, the latter by settlement and purchase from the Indians. The Dutch also bought land from the natives and erected Fort Cassimir, at the place where New Castle now stands. Printz, apprehensive of trouble from this fort, and perhaps to solicit aid from the home government, returned to Sweden in 1652, or 1653, leaving his son-in-law in temporary command of the colony. Before his departure, Printz had built Fort Elfsborg, at the mouth of Salem Creek, on the east side of the Delaware, but this was abandoned, after the erection of Fort Cassimir, on the pretence that it was untenable on account of the mosquitoes, and was called, in ridicule, Fort Mosquito. He had also built Fort New Gottenburg at Tinicum.

Printz was succeeded by Governor Rising, who came over in a man-of-war, with a military engineer, officers, and soldiers. Rising captured Fort Cassimir, the garrison being unprepared for defense, and capitulating on favorable terms.

About the middle of August, 1655, Governor Peter Stuyvesant, with a squadron of seven ships and transports, containing six or seven hundred men, sailed from New Amsterdam and arrived in the Delaware, on the 30th. On the 1st of September he recaptured Fort Cassimir, and on the 14th took possession of Fort Christina, without opposition, the Swedes being practically defenseless against the superior forces of the Dutch. All the other possessions of the Swedes, on the Delaware, fell into the hands of the Dutch at this time, and thenceforth the Swedish colony existed only in history.

John Paul Jaquet was the first Dutch Governor on the Delaware. The country

was divided into two colonies; one of these, including Christina, and extending from Christina to Bambo-Hook, was called the "Colony of the Company," and the other, extending north, up the Delaware, to the extent of the settlement, was called "The Colony of the City." Lands in the "Colony of the City," were conveyed in Amsterdam, by the Burgomasters and Council; deeds for land in the Company's Colony were executed by directors and commissioners. Jacob Alrich, December 19, 1656, was appointed Governor of the City Colony, by the Burgomasters and Council, and fixed his residence at New Amstel.* October 28th, 1658, William Beekman was appointed Governor over the Company's Colony, to reside at Altona, now Wilmington. He administered the affairs of the Company, regulated the trade, levied the customs payable on all vessels arriving at New Amstel, and superintended the Swedes.

The number of Swedish families in the colony at this time was 130, as ascertained by an official return, and they made a majority of the whole population. Allowing six persons to a family, there were probably not more than 1200 Europeans on the Delaware in 1659, including women and minors.

At first there was an attempt made to drive out the Swedes. Governor Stuyvesant ordered them to remove, notwithstanding that some of them had been in the country for more than twenty years, had cleared lands, built houses and planted orchards. They were a quiet, peaceable and inoffensive people. The parent government had declined in military power and national influence, and was no longer able to aid them in regaining the control of the country. They refused to go, and Governor Beekman not having any inclination to enforce Stuyvesant's order, nothing more was heard of it. In a few years the Dutch and Swedes, by family alliances, formed one people. The language of the Dutch had such affinity to the Swedish, that their children soon understood the religious services in the Swedes' Church and finally joined in their worship. The Dutch had no regular ministry among them. The Swedes, on the contrary, were careful to maintain public worship as regularly as their isolated situation would admit; and constituting so much the larger portion of the population, especially about Christina, the rising generation of the Dutch lost their national language and character so entirely, that, in 1697, Rudman, who had just arrived from Sweden, as a mission-

* Now New Castle.

ary, says: "We live scattered among the English, yet our language is preserved as pure as anywhere in Sweden." (*Ferris' Original Settlements on the Delaware*, 110.)

On August 27, 1664, New Amsterdam was surrendered to the English, and the remainder of the New Netherlands was soon subjected to the same authority. Colonel Nicholls assumed the administration of the territory on the west side of the Delaware, as Governor, under the Duke of York, to whom it had been granted by Charles II. on March 12, 1664. The Dutch, in August, 1673, recaptured all the New Netherlands, and once more in possession of their old domain in America, reestablished the government under their own officers. But, in the following year, on the conclusion of the war between England and the States-General, by the treaty of Westminster, made February 19, 1674, the country was restored to the English.

On the 4th of March, 1680, Charles II. granted to William Penn the province of Pennsylvania, and on the 24th of August, in the same year, the Duke of York conveyed to Penn the "territories of Pennsylvania," or "the three lower counties on Delaware." Sir Edmund Andross was the last Governor, under the Duke of York, who exercised authority over Delaware, his administration ending on the establishment of the Proprietary Government. Courts had been established in each of the Counties, and the Governor, as the deputy of the Duke, issued patents for locating lands, and executed deeds.

Penn first landed at New Castle, on the 24th of October, 1682, and after formally taking possession of the country, proceeded to Upland, now Chester, and on the 4th of November summoned an Assembly, to consist of an equal number of members for the province and the three lower counties, according to the 16th article of the frame of government which had been made before his departure from England, with the approval of the authorities there. At this Assembly an act of union was passed, annexing the three lower counties, at their own request, to the province, in all matters of legislation. Also an act of settlement, confirming certain laws agreed on in England, with some alterations, was passed in form. The Dutch, Swedes, and other foreigners were then naturalized, and the Assembly adjourned, after a session of three days. The Legislature was composed of a Provincial Council and Assembly, called the General Assembly,

the members of which were elected by the freemen of the Province and Territories, three for each county for the Council, and nine for the Assembly. The counties were named Philadelphia, Bucks, and Chester; New Castle, Kent, and Sussex. The Governor and Provincial Council were to prepare and propose to the General Assembly all bills which they should jointly assent to, "not inconsistent with the powers granted by the King's letters patent to the Proprietary and Governor aforesaid."

Thus was instituted, under favorable auspices, the government of Penn.

In 1684, Governor Penn was compelled to return to England to look after his own and the interests of his infant colony, and delegated his powers for two years to a commission, of which Thomas Lloyd was President. This commission was afterwards renewed from time to time, as Penn did not revisit the Province until the autumn of 1699. In the meanwhile, dissensions took place between the Province and the Territories, growing out of the jealousies and differences of sentiment between them, which finally culminated in a separation.

The principal grievance of the Representatives of Delaware, as appears by their protest, dated at Philadelphia, the first of the second month, 1691, seems to have been "the encroachments made upon their rights and privileges by the Province, in imposing officers upon them, without their consent or approbation." Later still, they complained of the burthens imposed upon them by the union with the Province, in that their part of the expenses of the government was greatly increased, without any corresponding benefit, and finally, after the rising of the General Assembly, on the 28th of October, 1701, the Province and Territories never again joined in acts of legislation. Penn endeavored to reconcile the opposing bodies, but without success, and at last consented to their separation, giving to each its own government, in case they could not agree. Penn sailed for England again at the close of the year 1701, having constituted Andrew Hamilton his deputy, and James Logan, secretary.

Hamilton died in December, 1702, and the greater part of his administration had been employed in endeavoring to effect a union between the Province and the Territories, under the new charter of privileges granted by Penn just before he left the country, and under which a way was opened for the return of the

Territories; but the latter still complained that they were outnumbered and outvoted in the Assembly. They expressed their willingness to reunite in legislation with the Province, under the new charter, dated at Philadelphia, the 28th of October, 1701, as they understood it: "That is to say: If the Province will join with us in representing the same by four members out of each county, so that our representatives may be equal in number, conform to the second article of the said charter, and the ancient use and practice of this government." The new charter had left the choice of union or separation open for three years, and this proposition of the Territories was made the 13th of April, 1704. The offer was refused by the Province.

As exhibiting the comparative wealth of the Territories with the Province, the sums raised by a tax of one penny in the pound, in the fifth year of the reign of William and Mary, for the support of the government, show no great disparity between the two. The amounts paid by the different counties were as follows:

Philadelphia, ...	£ 314 11 11
New Castle, ...	143 15 0
Sussex, ...	101 1 9
Kent, ...	88 2 10
Chester, ...	65 0 7
Bucks, ...	48 4 1

John Evans, on the death of Hamilton, was appointed Deputy Governor by the Proprietor, with the Queen's royal approbation, and arrived in the Province, in December, 1703. Failing, like his predecessor, to effect a reunion, he, in the latter part of 1704, met the Assembly of the lower counties, at New Castle, which was the first to act independently of the Province, and thenceforward the separation was complete. The first law recorded under his administration was "An act about seven years possession," and was "enacted by the honorable John Evans, Esq., with Her Majesty's Royal approbation, Lieutenant-Governor of the Counties of New Castle, Kent, and Sussex, on Delaware, and Province of Pennsylvania, by and with the advice and consent of the freemen of the said Counties, in General Assembly met, and by the authority of the same." This was in 1704. And in this style the legislation of the Counties was conducted under successive Lieutenant-Governors, until John Penn was appointed "Gov-

ernor and Commander-in-Chief of the Counties," &c., in 1773. The last act to which he gave his official approval, passed October 28, 1775, was a supplement to "An act for the more effectual ascertaining and fixing the limits of the several counties within this government, and for remedying some inconveniences that may arise by the late establishment of the boundaries and divisional lines between the same and Maryland.

The Colonial government ended with the Declaration of Independence by the Congress of the United States, on the fourth of July, 1776, and with remarkable promptitude a Convention was called and a State government organized under a Constitution entitled "The Constitution or System of Government, agreed to and resolved upon by the Representatives in full Convention of the Delaware State, formerly styled the Government of the Counties of New Castle, Kent, and Sussex, upon Delaware, the said Representatives being chosen by the Freemen of the said State for that express purpose." This instrument bears date the 20th of September, 1776, and the first election for members of the General Assembly was held on the 21st of October following, in the court-houses in the several counties. The first session of the new legislature met at "New Castle-on-Delaware," October 28, 1776.

The Council of Delaware, the minutes of whose proceedings, from 1776 to 1792, are contained in the following pages, was a part of the legislative body of the State, corresponding to what is now called the Senate. It was organized under the Constitution of 1776, and continued in existence until the Constitution of 1792 went into operation. It was composed of nine members, three from each county, who were required to be freeholders and twenty-five years of age, and were elected by the people in such manner that one-third of the Council was elected every year. The other branch was called the House of Assembly, containing seven members from each county, elected annually. The Legislature was known as the General Assembly of Delaware. A President, or Chief Magistrate, was chosen on joint ballot by both houses, and in case of his death, inability, or absence from the State, the Speaker of the Council exercised the powers of President until a new appointment by the General Assembly.

A Privy Council, of four members, was chosen by ballot, two by each House, whose duties appear to have been to advise with the President in relation to

embodying the militia, calling special meetings of the General Assembly, in making appointments to certain offices, and in filling vacancies in others until a new election.

Some few omissions will be observed in the printed pages, which could not be supplied with accuracy, owing to the accidental mutilation of the original manuscript journal, but enough has been preserved intact to form a record of historical value.

John McKinly was the first President chosen for the prescribed term of three years, from February, 1777, but his administration was cut short by his capture by the British, at Wilmington, at the close of the battle of Brandywine, on the 11th of September, in the same year. On March 30, 1778, it is recorded, that, "Whereas his Excellency John McKinly, our worthy President, taken by the enemy in September last, still remains a prisoner, with little prospect of exchange shortly, and the Speaker of Council, who acts as Vice-President, requesting to be relieved from the duties of that office," etc., thereupon the two houses, on the next day, by joint ballot, elected Cæsar Rodney for the full term of three years. He was succeeded by John Dickinson, on November 13, 1781, who continued in office until his election as President of the Supreme Executive Council of Pennsylvania. Governor Dickinson, as we learn from his valedictory to the legislature, had designed before this to remove his family to Wilmington and make that place his permanent residence. This purpose was afterwards carried out. He resided in Wilmington during the latter years of his life, and on his death was interred in the burial ground attached to the Friends' Meeting House, at the corner of 4th and Washington streets. The Vice-President filled the office until February 1st, 1783, when Nicholas Vandyke was elected, who served a full term, and was succeeded by Thomas Collins, on whose death, Joshua Clayton was elected, and he was the last President or Governor under the Constitution of 1776.

Among the many interesting subjects and measures brought before the Council, not the least important were the joint resolutions in relation to the calling of a Convention to ratify the Constitution of the United States, which were adopted, November 10, 1787. An election for Delegates to the Convention was ordered for Monday, the 26th of the same month, and the Convention was to assemble at

Dover, on the Monday following. As a fact of history, the Convention was held, and ratified the Constitution, without a dissenting voice, on the 7th of December, but the journals of the Convention have been lost, and we have no further record of its proceedings than that the ratification was duly certified to Congress. One of the joint resolutions, just mentioned, requests the particular attention of the Convention to "the proposition submitted to the General Assembly, by petition from divers of the freemen resident in the upper part of this State, of ceding to the United States a district within the State for the seat of the Government of the United States, and for the exclusive legislation of Congress."

On October 25, 1788, George Read and Richard Bassett were elected to represent the State in the Senate of the United States. They were the first Senators from Delaware.

If the limits of this note permitted a more detailed reference to the many matters of historical interest contained in the "Minutes," it would be a pleasing task to make mention of some incidents connected with the progress of the Revolutionary War, the recruiting of troops, furnishing supplies, etc.; of the wise and judicious legislation of those early days, and of the reputation and ability of the men who served in our state and national governments. It will be observed by the most casual reader that, in the orderly conduct of business, in the careful deliberation given to every measure, in provident care for a most uncertain future, in the dignified tone and scholarly style of their public papers, and in the prompt and efficient discharge of official duty, the legislators of 1776-92, will bear a favorable comparison with any of later times, either in or out of the State.

MINUTES OF COUNCIL.

OCTOBER, 1776.

MINUTES OF THE COUNCIL OF THE DELAWARE STATE.

NEW-CASTLE-ON-DELAWARE,
MONDAY, October 28th, 1776.

At a meeting of the Council, one of the branches of the Legislature for the Delaware State, it appears, by the returns of the Sheriffs and Inspectors of the Counties of New Castle, Kent and Sussex, that on the 21st day of October, instant, at the usual places of election for the said counties, the following gentlemen were chosen members thereof, with the number of votes annexed and following each name, to wit :

FOR NEW CASTLE COUNTY.

George Read, with 280 votes.
Nicholas Vandyke, with 246 votes.
Richard Cantwell, with 244 votes.

FOR KENT COUNTY.

Thomas Collins, with 645 votes.
James Sykes, with 642 votes.
Richard Bassett, with 639 votes.

FOR SUSSEX COUNTY.

John Wiltbank, with 542 votes.
William Polk, with 541 votes.
Daniel Dingee, with 541 votes.

And the names being called over, they all appeared except Richard Cantwell, Esq.

Council adjourned till to-morrow, 3 o'clock, P. M.

TUESDAY, P. M., October 29th, 1776.

Council met. Present all the members, who proceeded to the choice of a Speaker, when George Read was unanimously chosen.

The Speaker, in the Chair, Mr. Slator Clay was appointed Clerk, and Robert Booth, Doorkeeper.

Then the Speaker, in the Chair, and afterwards all the members, took and subscribed the oath and the declaration prescribed by the Constitution or system of government formed by the late Convention for this State.*

On motion,

Resolved, That a quorum of this Council shall consist of five members, including the Speaker.

On motion,

Ordered, That Messrs. Bassett and Vandyke be a committee

* The oath, and the declaration of faith, here and subsequently mentioned, are recorded and signed in a "Book of Qualifications," as follows:

I [A. B.] will bear true allegiance to the Delaware State, submit to its Constitution and Laws, and do no act, wittingly, whereby the freedom thereof may be prejudiced.

I [A. B.] do profess faith in God the Father, and in Jesus Christ his only Son, and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration.

GEO. READ, *Speaker*.
NICH'S VANDYKE.
R'D CANTWELL.
THOS. COLLINS.
JAMES SYKES.
RICHARD BASSETT.
JOHN WILTBANK.
WM. POLK.
DAN. DINGEE.

to report a set of Rules for conducting the business of this Council.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., October 30th, 1776.

Council met. Present all the members.

Slator Clay attended and took and subscribed a qualification for the faithful execution of the office of Clerk of this Council, and that he will not disclose or reveal the secrets thereof.*

The committee appointed to report a set of Rules for conducting the business of this Council brought in their report, which, by order, was read and agreed to, and follows in these words, to wit:

RULES TO BE OBSERVED BY MEMBERS OF COUNCIL DURING THE SITTING THEREOF.

1. That all members of Council shall appear at the calling over their respective names at every adjournment.
2. That no member of Council shall be allowed to speak to any one matter or thing above three times, without license from the Speaker first had and obtained, and that no member presume to speak in the House sitting, but direct his discourse to the Speaker standing.
3. That no member of Council shall presume to speak or interrupt any other member whilst he is speaking.

*The oath here mentioned is given in the "Book of Qualifications," as follows:

I, Slator Clay, do swear that I will faithfully, according to the best of my abilities, perform the office of Clerk of the Council of the Delaware State, and that I will not disclose or reveal the secrets thereof.

SLATOR CLAY.

4. That no member go out of the House during the sitting thereof and continue thereout above the space of half an hour without leave first had and obtained.

5. That where any question is put in Council that may cause a debate, the names of the members who are for the affirmative, and also those who are for the negative, be set down at large on the minutes, being first moved for by one or more of the members thereof.

The Speaker laid on the table a letter addressed from the Honorable John Hancock, Esq., President of Congress, inclosing sundry resolutions respecting the augmentation and reënlistment of the Continental army during the war, which were read and laid on the table for consideration.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

Council met. Present all the members.

A committee from the House of Assembly, attending at the door, were admitted and delivered the following verbal message, to wit :

That the House of Assembly requested the Council to appoint a committee to confer with a committee of their House on the subject matter of making a Great Seal for this State, and withdrew.

The Council, taking the same into consideration,

Resolved, That Messrs. Sykes and Vandyke be appointed a committee from this House to confer with the committee of the House of Assembly on the subject of forming a device and making a Great Seal for this State.

Ordered, That Mr. Bassett wait on the House of Assembly and inform them of the said appointment.

Mr. Bassett, being returned, reported that he had waited on the House of Assembly, according to order, and informed them of the same appointment.

The Council entered upon the consideration of the letter from the President of Congress and the resolutions inclosed therewith, and thereupon

Resolved, That the following message be transcribed, signed by the Speaker, and sent to the House of Assembly, that is to say :

Gentlemen :

A letter from the Honorable Mr. Hancock, as President of the Congress, inclosing sundry resolutions of that body respecting the augmentation and reënlistment of the Continental army during the continuance of the war, being laid before us, we think it our duty to give you this immediate information thereof, sending herewith the letter and its inclosures, and as this business is of the greatest importance, we wish that it might be proceeded upon in the most effectual and expeditious way, and therefore propose to your honorable House the appointment of committees by both Houses to confer upon the subject matter of the said letter and resolutions of Congress, who may severally report upon this business.

Ordered, That Mr. Collins wait on the House of Assembly with this message and the President's letter with its inclosures.

A committee from the House of Assembly, attending, were admitted and delivered the following verbal message, that is to say :

That Messrs. McKean, Cook and Robinson were appointed a committee by the House of Assembly to confer with the committee of Council on the forming a device and making a Great Seal for this State, and that they were then ready to attend the conference.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, October 31st, 1776.

The Council met. Present all the members.

Mr. Collins reported that he had waited on the House of Assembly and delivered the message aforesaid, with the President of Congress's letter and its inclosures, according to order.

A member from the House of Assembly, attending at the door, was admitted and delivered a written message from that House, as follows, to wit :

" Gentlemen :

*" This house has taken into consideration your message relating
" to the enlistment of a Battalion in this State to continue in the
" service of the United States of America during the present
" war, together with the letter from the President of the Congress
" and its inclosures, and thereupon appointed Messrs. Robinson,
" Ridgely and McKean a committee to confer with a committee
" of your honorable House on the subject matter thereof, at such
" time and place as your House shall appoint."*

And the same being taken into consideration,

Ordered, That Messrs. Sykes, Vandyke and Collins be a committee to confer with the committee appointed by the House of Assembly on the subject matter of the message aforesaid, to meet at the house of Mr. Anderson this afternoon.

Ordered, That Mr. Vandyke wait on the House of Assembly and inform them of this appointment.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, November 1st, 1776.

Council met. Present all the members.

Mr. Vandyke reported that he had waited on the House of Assembly, according to order, and informed them of the appointment of the committee of Council as aforesaid.

Some of the members desiring leave to attend committees, adjourned till to-morrow morning, 10 o'clock.

SATURDAY, November 2d, 1776.

Council met.

The committee appointed to confer with a committee of the House of Assembly respecting the raising of a Battalion from this State to serve in the Army of the United States of America during the present war, upon the terms mentioned in the resolutions of Congress, made their report, which, by order, was read the first time.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the resolutions of that House upon the report of their committee respecting the raising of the battalion aforesaid to serve during the present war, for the approbation and concurrence of the Council, which, by order, was read the first time.

On motion,

By special order, as well the report of the committee of Council as the resolutions of the House of Assembly aforesaid, were read

second time, and after some debate had thereon, the further consideration of the same was deferred till the afternoon.

The committee appointed to confer with a committee of Assembly on the subject matter of forming a device and making a Great Seal for this State, brought in their report, which, by order, was read the first time.

On application of Mr. Collins for leave of absence till Monday afternoon, the same was granted.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

Council met. Present all the members, except Mr. Collins.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a resolution of that House upon the report of the committees of conference respecting the forming of a device and making a Great Seal for this State, which, by order, was read the first time.

On motion,

By special order, the same was read a second time and concurred in, and is in the words following, to wit :

“Resolved, That a committee of one member from each House “be appointed to procure, as soon as possible, a silver seal of “the diameter of three inches and of a circular form, and that “there be engraven “Britannia” on the right side thereof, and “on the left, opposite to her, “Liberty,” (in the usual shapes) “with a label proceeding from Britannia to Liberty in these “words : “Go to America ;” and that there be engraven on the “top, the shape of a book, having these words therein : “The

“Bill of Rights ;” and at the bottom another book having these “words therein: “The System of Government ;” and that there “shall be an inscription round the same, near the edge or extremity thereof, in the words following, in capital letters: “‘THE GREAT SEAL OF THE DELAWARE STATE,’ “with the figures 1776.

“*Resolved*, That Mr. McKean be appointed on the part of this “House for the purpose above mentioned.”

On motion,

Resolved, That Mr. Sykes be appointed on the part of the Council for the carrying the resolution aforesaid into execution.

Ordered, That Mr. Vandyke wait on the House of Assembly, with the concurrence of Council to their resolution, and inform that House of the appointment of Mr. Sykes to join with Mr. McKean in procuring the Great Seal for this State.

The Council resumed the consideration of the resolutions of the House of Assembly respecting the raising a battalion from this State to serve during the war in the Army of the United States, and after some time spent therein it was deferred till Monday next.

Adjourned till Monday morning, 10 o'clock.

MONDAY, November 4th, 1776.

Council met. Present all the members, except Messrs. Cantwell and Collins.

Mr. Vandyke reported that he had waited on the House of Assembly, according to order, and informed them of the appointment of Mr. Sykes to join Mr. McKean in procuring a Great Seal for this State.

The Council resumed the consideration of the resolutions of the House of Assembly respecting the raising a battalion from this State to serve during the war in the Army of the United States, and divers amendments being proposed and agreed to, the same were transcribed.

Ordered, That Mr. Sykes wait on the House of Assembly with the said resolutions, and amendments proposed by this House, for their consideration and concurrence.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, November 5th, 1776.

Council met. Present all the members, except Mr. Cantwell and Mr. Collins.

Mr. Sykes reported that he had waited on the House of Assembly, according to order, with their resolutions respecting the raising a battalion from this State, and the amendments thereto proposed by this House, for their consideration and concurrence.

A member from the House of Assembly, attending at the door, was admitted and returned the amendments proposed by the Council to resolutions respecting the raising a battalion from this State, to all of which the House of Assembly agreed except those in the fourth resolution, to which that House proposed further amendments, and the same being taken into consideration were acceded to by the Council.

Whereupon Mr. Vandyke was ordered to wait on the House of Assembly with the concurrence of Council to the said resolutions, which are as follows, to wit :

“1. *Resolved*, That one battalion be enlisted from this State “to serve during the present war, agreeable to the resolutions of “Congress of the 16th of September last.

“2. That a member be appointed by each House to repair “forthwith to the camps in New York and New Jersey and inquire into the condition of the battalions there under the command of the Cols. Haslet and Patterson, and obtain a list of “such officers in Col. Haslet’s Battalion as are willing to continue “in the service during the present war on the terms proposed by “Congress; and also a list of such officers in Col. Patterson’s “Battalion as may be desirous of supplying vacancies, if any “such shall be.

“3. That the said two commissioners be instructed to consult “and advise with General Washington respecting the promotion “and appointment of officers in the battalion to be enlisted as “aforesaid.

“4. That the said commissioners be furnished with blank “commissions from Congress, and that they, having the approbation of General Washington, may fill up the same with the “names of such officers as choose to continue in the service, “giving preference to the officers in Col. Haslet’s Battalion of “regulars, deficiencies to be made up out of the list of officers “belonging to Col. Patterson’s Battalion.

“5. That the commissioners take the most speedy and effectual measures to procure the enlistment of such non-commissioned officers and privates in the two battalions aforesaid “as may be willing to engage in the service during the war on “the terms proposed by Congress.

“ 6. That the said commissioners make particular inquiry into
“ the condition of the clothing, arms and blankets of the soldiers
“ belonging to the said battalions, and report the same to the
“ General Assembly as soon as possible.

“ On motion,

“ *Resolved*, That Col. Samuel West be appointed on the part
“ of this House a commissioner for the purposes aforesaid.”

Adjourned till to-morrow, 10 o'clock.

WEDNESDAY, November 6th, 1776.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the orders and resolution following, to wit :

“ On motion,

“ *Ordered*, That Mr. Thompson, Mr. Lockwood, and Mr.
“ Bradley be a committee to adjust and settle the accounts of the
“ Military Treasurers of the several Counties in this State, and
“ report the same to this House.

“ On motion,

“ *Ordered*, That Messrs. Thompson, Lockwood, and Bradley
“ be a committee to adjust and settle the pay and accounts of the
“ officers appointed in the said Third Battalion proposed to have
“ been raised in this State by the late Convention thereof.

“ *Resolved*, That the accounts of the signers of the last emis-
“ sion of paper currency, and of those persons who attended the
“ press, etc., be referred for adjustment to the above mentioned
“ committee.

“Ordered, That Mr. Ridgely wait on the Council with a copy of the above orders and resolution and propose to them the appointment of a committee of Council to join with the committee of this House, in the business aforesaid, if they think proper.”

And the same being read and considered were concurred in, and thereupon Messrs. Sykes and Dingee were appointed to join the committee named by the House of Assembly in the settlements of the several accounts aforesaid, and that they report the same to this House.

The Council proceeded to the nomination of one of their members to repair to the camps in New York and New Jersey, agreeable to the resolutions of yesterday, when Lieut.-Col. Collins was unanimously appointed.

Ordered, That Mr. Wiltbank wait on the House of Assembly with a copy of the appointment of Col. Collins aforesaid, and also with the concurrence of Council to the foregoing resolution and orders of the House of Assembly.

Mr. Wiltbank reported that he had waited on the House of Assembly according to the order aforesaid.

A committee from the House of Assembly, attending at the door, were admitted, and delivered to the Chair a bill entitled

“An act to render certain bills of credit a legal tender within this State, and to prevent the counterfeiting of the same and other bills of credit.”

Also, a *“Bill for printing and emitting fifteen thousand pounds on bills of credit of this State, to be let out on loan; and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same.”*

Which, by order, were read the first time.

A committee from the House of Assembly, attending at the door, were admitted and delivered to the Chair the following propositions, to wit:

“On motion,

“*Ordered*, That Messrs. Porter, Clarke and Hill be a committee “to wait on the Council and propose to them the appointment of “Delegates from this State to Congress, by joint ballot of both “Houses, as prescribed by the Constitution; and also the appointment of a Council of Safety for this State, to act during the “recess of the Legislature.”

And the same being taken into consideration, the Council concurred in the first proposition, as to the appointment of delegates. As to the appointment of a Council of Safety,

Resolved, That the following message be transcribed, signed by the Speaker, and sent to the House of Assembly, viz:

Gentlemen:

The propositions delivered to us by your committee respecting the appointment of Delegates from this State to Congress by joint ballot, and also a Council of Safety, to act during the recess of the Legislature, were taken immediately under our consideration. As to the first, the Council have concurred; as to the last, to wit: the appointment of a Council of Safety, we could have wished that some reason had been assigned in the proposition to show the necessity of forming such a power upon our own authority. We can conceive a case that may justify such a measure, to wit: the adjournment of the General Assembly before the appointment of a President and Privy Council under the present Constitution. If this should be the intention of the House of Assembly, and their reason for proposing the appointment of a Council of Safety, we shall think it our duty to join such a provision for the weal of the State in the recess of the General Assembly; therefore we wish to have this business explained.

Ordered, That Mr. Polk wait on the House of Assembly with this message.

Mr. Polk returned and made report that he had delivered the message according to order.

Adjourned till 10 o'clock to-morrow morning.

THURSDAY, November 7th, 1776.

Council met. Present all the members, except Mr. Cantwell.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the declaration of that House of their intention to adjourn before the appointment of a President and Privy Council, and such was their reason for proposing the appointment of a Council of Safety in the recess of the General Assembly.

Whereupon the Council concurred and agreed that the election of Delegates and a Council of Safety be had to-morrow, at three o'clock in the afternoon, in the State House.

On motion,

By order, the bill "to render certain bills of credit a legal tender within this State, and to prevent the counterfeiting of the same and other bills of credit,"

Was read the second time, and after some debate, the same was agreed to.

Ordered, That Mr. Bassett wait on the House of Assembly with the said bill and inform them of the concurrence of the Council thereto.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

Council met. Present all the members, except Mr. Cantwell.

Mr. Bassett reported that he had waited on the House of Assembly and delivered the bill given him in charge in the forenoon, with the concurrence of Council thereto, according to order.

A member from the House of Assembly, attending at the door, was admitted and informed the Council that the House of Assembly is now ready to proceed to the election of Delegates from this State to Congress, and also a Council of Safety, agreeable to the proposition concurred in by both Houses.

The Council and Assembly, being met in the State House, proceeded to the election of Delegates from this State to the Congress of the United States of America, by joint ballot, which being taken and examined, it appeared that

George Read, Esquire,
John Dickinson, Esquire,
and John Evans, Esquire,

were duly elected. And the ballots being taken for persons to compose a Council of Safety during the next recess of the General Assembly, and the same being examined, it appeared that the following persons were duly elected, to wit :

For New Castle County—James Latimer,
John McKinly,
Abram Robinson,
John Lea,
Nicholas Vandyke.

For Kent County—Cæsar Rodney.
James Sykes,
Thomas Collins,
John Baning,
Richard Bassett.

For Sussex County—David Hall.
Jacob Moore,
John Wiltbank,
John Rodney,
James Rench.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, November 8th, 1776.

Council met. Present all the members.

On motion and order,

The bill "for printing and emitting fifteen thousand pounds in bills of credit of this State, to be let out on loan; and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same,"

Was read the second time, and divers amendments were proposed and agreed to.

Ordered, That Mr. Cantwell wait on the House of Assembly with the said bill and the amendments thereto proposed by this Council for their consideration and concurrence.

Mr. Cantwell reported that he had waited on the House of Assembly according to the order aforesaid.

The resolution for raising a battalion in this State to serve during the war, and appointment of commissioners to carry the same into execution, being transcribed, were ordered to be signed by the Speaker and to be delivered to the said commissioners.

A member from the House of Assembly, attending at the door with a verbal message, was admitted and delivered the same, to wit :

That the House of Assembly acceded to the amendments proposed by this Council to the bill "for printing and emitting £15,000 in bills of credit of this State, to be let out on loan, &c.," and requests this Council to nominate three persons, in addition to those already named in the bill, to be signers of the said bills of credit.

Acceded to, and Mr. Sykes, Mr. Wiltbank, and Mr. Jones are appointed as signers.

Ordered, That Mr. Vandyke wait on the House of Assembly and inform them of the above appointments.

Mr. Vandyke reported that he had waited on the House of Assembly according to the order aforesaid.

A committee from the House of Assembly, attending at the door, were admitted and delivered to the Chair

A bill "for ascertaining the salaries and allowances to the officers and persons herein mentioned employed in the Government of this State, and for the providing funds for the payment thereof."

Which, by order, was read the first time.

On motion,

Ordered, That a certificate of the appointment of the Delegates to the Congress, as chosen yesterday in the General Assembly, expressing the powers they are to be invested with, be drawn up and sent to the House of Assembly for their concurrence; which being done at the table and transcribed, is as follows, to wit :

IN COUNCIL, November 8th, 1776.

WHEREAS George Read, John Dickinson, and John Evans, Esquires, have been chosen, by joint ballot of the two Houses of Assembly, to represent the Delaware State in Continental Congress,

Resolved, That they, or any one or more of them, are hereby fully authorized and empowered for and in behalf of this State to concert, agree to, and execute any measure which they, or he, together with a majority of the Continental Congress shall judge necessary for the defense, security, interest and welfare of this State in particular and America in general; with power to adjourn to such times and places as shall appear most conducive to the public safety and advantage.

Ordered, That Mr. Vandyke wait on the House of Assembly and deliver the same for their concurrence; who, having returned, reported that he had delivered the same according to order.

Adjourned till to-morrow, 10 o'clock.

SATURDAY, November 9th, 1776.

Council met. Present all the members.

The committee appointed to confer with a committee of Assembly to adjust and settle the accounts of the Military Treasurers of the several Counties in this State, and to settle and adjust the pay and accounts of the officers appointed in the battalion ordered to be raised by the late Convention in September last in this State ; likewise the accounts of the signers of the last emission of paper currency, and of those persons who attended the press, &c., brought in their report,

Which, by order, was read and ordered to lie on the table for consideration.

The Council being informed that the commissioners appointed to repair to the camps were ready to proceed as soon as the General Assembly should direct.

Ordered, That Mr. Dingee wait on the House of Assembly with a verbal message containing the following *quæres*, to wit :

As the commissioners appointed to go to the camps should be furnished with some of the printed resolutions of Congress relating to the reënlistment of the army, and the blank commissions transmitted by the President of Congress :

Quære. If the House of Assembly are not in possession of both ?

Quære. If the commissioners ought not to have a sum of money voted to them for the expenses of their journey ?

Quære. If any one person is appointed by the House of Assembly to collect all the blankets, linens and woollen cloth, recommended by the Council of Safety, whose proceedings are before the House of Assembly, and to carry the same forward to the camps and there distribute to such as may want at first cost ?

The Council would have taken up this last business, but understood some directions had been given to individuals, and therefore avoided doing anything in it that might interfere with what the House of Assembly had done; and for this further reason, that a grant of money for the carrying it into execution would be necessary.

Mr. Dingee, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and proposed sundry amendments to the report of the committee appointed to confer with a committee of Assembly to adjust and settle the accounts of the Military Treasurers, &c., to wit:

As to Col. Collins, nothing allowed for the transportation, &c., of money.

As to Capt. Porter, forty shillings added, which was omitted by mistake of committee.

As to John Clowes, 40s. added.

And the same being taken into consideration,

Ordered, That Mr. Bassett wait on the House of Assembly with the following verbal message, to wit:

The Council having considered the amendments proposed by the House of Assembly to the report of the Committee for Public Accounts, to wit:

The taking off £6 : 4 : 0 from the allowance made to Colonel Thos. Collins, for expenses attending the delivery of part of the bills of credit, lately signed by him; the addition of 40s. to the allowance made to Capt. Alex. Porter, and the addition of the like sum to Mr. John Clowes, for their attending the printing of the same bills of credit; as to the two last amendments the Council accede thereto.

As to the first, they apprehend the committee have misstated the service for which that allowance was made. The Council are informed that the greater part of the charge arises from the carriage of the bills from the press to the house of the signer, where

it might be expected they ought to have been delivered by the attendants of the press, who undoubtedly should have been allowed therefor. The remaining part of the charge to Dover, it is urged, was for that part of the moneys belonging to the office in Sussex. For these reasons the Council are of the opinion such a charge is just, and submit it to the reconsideration of the House.

The Council propose an alteration in the sum allowed for commissions on the £500, in the first part of the report, to Brigadier McKinly, this sum being paid under an order drawn by him, as Chairman of the Council of Safety of New Castle County, on Col. Collins in favor of Lieutenant Kamford, Col. Collins being allowed commissions thereon, £7 : 10, the sum to be deducted.

Mr. Bassett reported that he waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the resolutions following, to wit:

“On motion, by order,

“The report of the committee appointed to devise the best “method of supplying the inhabitants of this State with salt, was “read the second time, and, being debated and amended, was “agreed to, as follows, to wit:

“That they are of opinion the most certain and expeditious “method of procuring a speedy supply of salt would be to authorize and empower some careful and prudent persons at the “Town of New Castle to purchase one or more cargo or cargoes “of salt from on board vessels bound to Philadelphia, or after “their arrival there, at the lowest prices for which the same can “be procured, and to distribute, to the quantities they shall buy, “from time to time, equally between the several Counties of this “State, and cause the proportion for each County to be delivered “to some member of the Council of Safety in such County, who, “with the advice and assistance of the other members of the said “Council, residing in said Counties respectively, shall cause the “same to be delivered out to the inhabitants thereof in proportion “to their several wants.

“That 4,000 bushels of salt are now wanted to supply the immediate necessities of the people, and that the commissioners appointed to buy it ought to be supplied with £2,500 for that purpose, and that it should be retailed out to the inhabitants at so small an advance as would be only sufficient to reimburse the State.

“*Resolved*, That Messrs. Zachariah V. Lenvington and Joseph Tatlow, of the Town of New Castle, be and they are hereby appointed commissioners to carry the foregoing resolutions into execution; and that they be authorized to borrow, from any person or persons who will lend the same on the credit of this State, any sum or sums of money, not exceeding £2,500, to be repaid, with interest at six per cent., in three months.

“*Resolved*, That certificates, signed by the said commissioners, expressing therein the sums borrowed, to be upon the above terms and for the above purposes, shall be sufficient vouchers to entitle the lenders to the repayment thereof by this State.

“*Resolved*, That the said commissioners render an account of their proceedings in the premises to the General Assembly of this State at the next session.”

Read and concurred in.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the resolution following, to wit:

“*Resolved*, That the balance of public money remaining in the hands of Thos. Collins, Esq., Military Treasurer for the County of Kent, be paid into the hands of the Speaker of this House, whose receipt shall be a sufficient discharge to the said Military Treasurer for the same; and that the Speaker be accountable for the disposal thereof.”

For the consideration and concurrence of the Council.

Read and concurred in.

A member from the House of Assembly, attending at the door, was admitted and returned the resolution of Council expressing

the appointment and powers of the Delegates to Congress, with the concurrence of the House of Assembly thereto, and delivered to the Chair the following verbal message, to wit :

“That the Speaker of the Assembly has delivered several of the printed resolutions of Congress relating to the reënlistment of the army, and forty blank commissions, received from the President of the Congress, together with eight copies of the Articles of War, to Col. Samuel West, one of the commissioners appointed to repair to the army.

“This House will do their part in satisfying the commissioners for their expenses to be incurred in the service of the State.

“The Assembly have taken measures for securing the blankets, linen and woolen cloth, purchased in consequence of the directions of the Council of Safety, and hope the same may be sent to the camps some time next week ; to pay for which they have passed the resolution sent to the Council for their concurrence.”

Ordered, That Mr. Bassett wait on the House of Assembly with the concurrence of Council to their resolution respecting the most certain and expeditious method of procuring a speedy supply of salt ; and also their resolution respecting the payment of the balance of the public money in the hands of Col. Collins to the Speaker of the House of Assembly.

Mr. Bassett returned and reported that he had waited on the House of Assembly according to the order aforesaid.

A member of the House of Assembly, attending at the door, was admitted and delivered a verbal message that the House of Assembly had postponed the consideration of that part of the report made by the Committee of Accounts as objected to by the Council in their message till the next sitting of the General Assembly.

To which the Council agreed.

Ordered, That a member of Council wait on the House of Assembly and inform them that the Council concurred in the other parts of the report.

A verbal message being sent to the House of Assembly desiring their sentiments as to the settling and defraying the expenses of the present session, and how the same shall be done ;

In answer to which, it is proposed that the whole expenses should be severally ascertained and defrayed by orders, to be drawn by the Speakers of both Houses, on the several Trustees of the Loan Office in this State.

And the Council concurred.

The Council took into consideration the expenses of their session, and thereupon

Resolved, That there be paid to the members of Council :

For New Castle County, for personal expenses by them incurred, to wit : 3 members, 13 days, . . .	£21	14	10
To the members of Kent County, for same, . . .	25	15	11
To the members of Sussex County, for same, . . .	27	14	10
To Slator Clay, Clerk to Council, for 12 days' attendance, @ 7s. 6, ...	4	10	0
To Robert Booth, Doorkeeper, for 12 days' attendance, @ 5s., ...	3	0	0
	£82 15 7		

Ordered, That the same be transcribed and sent to the House of Assembly for concurrence; which was done accordingly.

Orders, drawn and signed by the Speaker of Assembly, for the amount of the said expenses were delivered to the Chair.

A notice, in writing, subscribed by the Speaker of the Assembly, that that House had adjourned to Monday, the sixth day of January next, to meet at the State House, in the Town of New Castle, was delivered to the Chair.

Then the Council adjourned to the 6th day of January next.

MINUTES OF COUNCIL.

JANUARY, 1777.

MINUTES OF THE COUNCIL OF THE DELAWARE STATE.

NEW-CASTLE-ON-DELAWARE,

MONDAY, January 6th, 1777.

Agreeable to adjournment, the Speaker and a number of the members met, but these not being sufficient to enter upon business, the Council adjourned from day to day until Friday following.

FRIDAY, January 10, 1777.

Council met. Present—All the members except Messrs. Bassett, Collins, and Dingee.

The two first being officers in the Militia of this State, marched to reinforce General Washington in New Jersey, their absence is excused.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the resolutions following, to wit :

“ On motion,

“ *Ordered*, That Messrs. Cook, Robinson and Horsey be a committee to settle and adjust the accounts of the officers and

“privates of the Second Delaware Battalion, raised for the Flying Camp, previous to their being passed by the Commissary of Musters.

“*Ordered*, That the same be transcribed, and that Mr. Ridgely wait on the Council therewith and propose to them the appointment of a committee of their House, to join with the committee aforesaid, in the business referred to them.”

And the same being read, ordered to lie on the table for consideration.

The Speaker laid on the table a letter addressed from the Honorable John Hancock, Esq., President of Congress, inclosing sundry resolutions of the 11th, 27th, 30th and 31st of December last, which were read.

On motion,

Ordered, That the same be referred to a committee of three.

Whereupon Messrs. Vandyke, Cantwell and Sykes were appointed a committee for that purpose.

The report of the commissioners appointed to repair to the camps and inquire into the condition of the Battalions under Cols. Haslet and Patterson, and commission a sufficient number of officers for the battalion to be raised in this State to serve during the war, with sundry papers as vouchers of their proceedings, being presented to the Chair, by order, was read and laid on the table for consideration.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, January 11th, 1777.

Council met.

A member from the House of Assembly delivered at the Chair a written paper, subscribed with the name of Jacob Bennett, purporting an account of his being taken by a British ship of war to the southward of Cape Henlopen, and that while a prisoner five persons, supposed to be inhabitants of this State, came in a boat, with some live stock, on board said ship, one of which persons passed there by the name of Daniel Dingee; and the House being informed that John Trip and Levi Potter were prisoners at the same time on board the said ship;

Ordered, That the Speaker issue notices, by way of summons, to Jacob Bennett and John Trip and to Levi Potter to attend here on Monday next, at 11 o'clock, A. M., to give evidence of their knowledge of the persons aforesaid and their conduct on board the said ship.

The committee to whom the Honorable Mr. Hancock's letter and resolutions of Congress were referred, prayed further time to report thereon, and granted.

Mr. Polk desired leave of absence for a few days to visit his brother, dangerously ill. Granted.

Adjourned to Monday next.

MONDAY, January 13th, 1777.

Council met, but there not being a quorum to proceed on business, adjourned till to-morrow.

TUESDAY, January 14th, 1777.

Council met.

The Speaker reported from the chair that he had issued notices requiring the attendance of Jacob Bennett, John Trip and Levi Potter, agreeable to the order of Saturday.

It appearing to the House that Jacob Bennett and John Trip were sick, their non-attendance is excused till their recovery.

Mr. Dingee, a member of this House, not having attended during the sitting thereof, and a sufficient reason not being assigned for his absence,

Ordered, That the Speaker write to Mr. Dingee requiring his attendance in this House forthwith, and that a messenger be sent with such letter.

The committee to whom the Honorable Mr. Hancock's letter and resolutions of Congress were referred, brought in their report, which, by order, was read and referred till to-morrow.

Adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, A. M., January 15th, 1777.

Council met, and resumed the consideration of the report of yesterday referred to this day, which was agreed to, as follows :

Your committee, to whom the Honorable Mr. Hancock's letter and resolutions of Congress of the 11th, 27th, 30th and 31st of December last was referred, do report, that they have taken the

same into consideration and are of the opinion that the resolution of the 11th of December aforesaid, recommending the appointment of a day of solemn fasting and humiliation, is highly proper to be complied with, and propose Thursday, the 27th of February next, as a proper day, and that a proclamation issue for that purpose, in the following form, to wit :

A PROCLAMATION.

WHEREAS the just war into which the United States of America have been forced by Great Britain is likely to be still continued by the same violence and injustice which have hitherto animated the enemies of American freedom ; and whereas it becomes all publick bodies, as well as private persons, to reverence the Providence of God, and look up to Him as the Supreme Disposer of all events and the Arbiter of the fate of Nations ;

Therefore the General Assembly of the Delaware State do appoint Thursday, the 27th of February next, to be observed by all ranks of people within the same as a day of solemn fasting and humiliation, to implore of Almighty God the forgiveness of the many sins prevailing among us, and to beg the countenance, protection and assistance of His Providence in the prosecution of this just and necessary war, and a happy and speedy conclusion of the same.

And it is recommended to Christians of all denominations within this Statẽ to assemble for publick worship and to abstain from servile labor and recreation on said day.

Signed by order of the General Assembly.

Given at New Castle, ——— of January, 1777.

Your committee are also of opinion that the resolution of Congress of the 27th of December, recommending the march of the new levies of this State for the Continental army, by companies or parts of companies, be also complied with ; and that it be recommended to the commanding officer of the Delaware Battalion to issue orders to the respective captains thereof to march their companies to Philadelphia, to receive further orders from the commanding officer there, and, if not yet complete, to cause so many as may be already enlisted immediately to repair there, under a proper officer or officers, provided the number shall

amount to thirty-five, leaving one or more officers to recruit, in order to fill up the companies ; and that a sum of money be provided for the subsistence of the companies so marching till they arrive at Philadelphia, which, your committee think, will render the appointment of a commissary, to proceed there for the purpose of procuring provisions, unnecessary.

Your committee are further of opinion that the resolution of Congress of the 30th of December, prohibiting the exportation of bacon, salted beef and pork, soap, tallow, and candles, be also complied with and strictly observed by the inhabitants of this State, and that the said resolution be published within the State for their information.

Your committee do likewise recommend that the resolution of Congress of the 31st of December, by which the restrictions heretofore imposed upon the exportation of staves, or other lumber, except to Great Britain, Ireland and the British Islands, or any place under the dominion of Great Britain, is taken off, be also published within this State.

Ordered, That the foregoing resolutions of Council be transcribed and sent to the House of Assembly for their consideration and concurrence, and that Mr. Vandyke deliver the same, together with the President's letter and resolutions of Congress aforesaid.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

Council met.

Mr. Vandyke reported that he had waited on the House of Assembly and delivered the resolutions of this day, with the President's letter, according to order.

Mr. Dingee appeared in the House and assigned the indisposition of his wife as an excuse for his non-attendance hitherto, which was admitted.

Mr. Dingee being informed of the contents of the written paper, subscribed by Jacob Bennett and delivered to this House on Saturday last, wherein mention is made of five persons, supposed to be inhabitants of this State, going on board a British ship of war with live stock, one of which persons passed there by his name, requested that the said Jacob Bennett, and all other persons who had any knowledge of that transaction, might be summoned before this House, to give evidence thereof, at some future day, and that in the meantime his attendance in Council be dispensed with, as he did not choose to continue his seat here while under such a suspicion.

Resolved, That Mr. Dingee's attendance in Council be dispensed with till further order.

Ordered, That the Speaker issue other summonses, directed to Jacob Bennett, John Trip and Levi Potter, and summonses for Griffith Minshall, Jun., John Marshall and Joseph Poole, requiring their attendance on this House on Friday next, at 11 o'clock, to give evidence of their knowledge of the charge against Mr. Dingee, at which time he is ordered to attend.

The House taking into consideration the condition of the Militia of this State, and it appearing that there had been for some considerable time past almost a total neglect of the attendance of associators on muster and review days, and a general omission to levy the penalties and taxes imposed by the articles and rules made for the better governing of the Militia by the late House of Assembly, and that the said articles and rules required some attention and amendments for their more effectual execution, therefore,

On motion,

Ordered, That a committee of four be appointed to bring in a bill for the more effectual establishing a Militia in this State. The members chosen are: Mr. Vandyke, Mr. Sykes, Mr. Cantwell and Mr. Wiltbank.

The House resuming the resolution of the House of Assembly for the appointment of a committee to settle and adjust the ac-

counts of the officers and privates of the 2d Delaware Battalion, raised for the Flying Camp, previous to their being passed by the Commissary of Musters ;

Ordered, That Messrs. Sykes and Vandyke be a committee from this House, to join with the committee named by the House of Assembly in the business aforesaid.

Adjourned till to-morrow morning.

THURSDAY, January 16th, 1777.

Council met.

Mr. Sykes, one of the persons appointed to procure a Great Seal for this State, agreeable to the resolve of this House of the 2d of November, delivered at the table the following report from that committee, to wit :

“ The committee appointed to get a skillful engraver to make
“ the Great Seal of this State, which was agreed upon by both
“ Houses, now report that they could procure no person capable
“ of executing the work to undertake it at this time, being en-
“ gaged in other very important business for the safety of their
“ country. That upon consulting an ingenious gentleman in the
“ art of heraldry, they are humbly of opinion that the Great Seal
“ agreed upon would be more suitable for a medal than the seal
“ of a State, and therefore submit the same to the consideration
“ of both Houses.”

The House, taking the same into consideration, are satisfied with the reasons assigned for not carrying the resolutions aforesaid into execution, and resolved that the said committee be discharged.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolutions of that House for concurrence of Council, to wit :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, January 13th.

“ On motion,

“ *Resolved*, That the former vote respecting a Great Seal be rescinded.

“ On motion,

“ *Ordered*, That Messrs. Cook, Robinson and McKean be a committee to confer with a committee of Council on the subject matter of a device for and making of a Great Seal for this State, and also to fix upon a seal which shall be held and deemed to be the Great Seal *pro tempore* until the Great Seal to be agreed upon by both Houses be made.”

Which, being taken into consideration, was concurred in.

Resolved therefore, That the resolution of the 2d of November last respecting a Great Seal be rescinded.

Ordered, That Messrs. Cantwell and Wiltbank be a committee from this House to confer with the committee of Assembly on the subject matter of forming a Great Seal and fixing a seal *pro tempore*.

Ordered, That Mr. Vandyke wait on the House of the Assembly with the concurrence and appointment aforesaid.

Who, being returned, reported that he had delivered the same according to order.

The report of the proceedings of the commissioners appointed to repair to the army to nominate officers for the battalion to be raised as the quota of this State to serve during the war, being resumed,

Ordered, That the same be referred to a committee of three to report thereon. The members chosen : Mr. Cantwell, Mr. Sykes, and Mr. Vandyke.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, January 17th, 1777.

Council met.

The witnesses ordered to be summoned respecting the charge against Mr. Dingee, a member of this House, his being on board a British ship of war on or about the 30th of December last, all attending except Levi Potter, who was out of the State and not summoned,

Ordered, That notice be given to the Honorable the Speaker of the House of Assembly, and such of the members thereof as are in town, that the examination of the witnesses is to be had forthwith, that they may be present if they think fit.

The Speaker of the Assembly, with a number of the members of that House, attending, were admitted accordingly. Mr. Dingee also attending by order.

The Council proceeded to the qualifying and examining Jacob Bennett, John Trip, Griffith Minshall, Jun., John Marshall, and Joseph Poole, severally and apart, respecting their knowledge of Mr. Dingee's being one of the five persons who had come on board the Pearl, ship of war, belonging to his Britannic Majesty, while they were prisoners there, all of whom having deposed that Mr. Dingee was not one of the persons aforesaid, nor had been on board the said ship of war during the time they were prisoners, to their knowledge or belief,

Thereupon the Council are unanimously of opinion that the suspicion of Mr. Dingee's being one of the persons who had come on board the British ship of war aforesaid during the time the witnesses aforesaid were prisoners is groundless.

Ordered, That Mr. Dingee take his seat as a member of this House.

The committee appointed to confer with a committee of the House of Assembly on the subject matter of a device for and

making a Great Seal for this State, and also to fix upon a seal to be used instead thereof *pro tempore*, brought in their report,

Which was read and referred for consideration.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., January 18th, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair divers resolutions of that House for concurrence, as follows, to wit :

“IN THE HOUSE OF ASSEMBLY,
“FRIDAY, A. M., January 17th, 1777.

“*Resolved, N. C. D.*, That Mr. McKean be a committee to
“employ skillful workmen to make a silver seal of the diameter
“of three inches and of a circular form, and that there be en-
“graven thereon a Sheaf of Wheat and an ear of Indian Corn,
“and an Ox, in full stature, in a shield with a river dividing the
“wheat sheaf and ear of Indian corn from the Ox, which is to be
“cut in the nether part of the shield below the river ; that the
“supporters be an American Soldier, under arms, on the right,
“and an Husbandman, with a Hoe in his hand, on the left, and
“that a Ship be the crest ; and that there shall be an inscription
“round the same, near the edge or extremity thereof, in the
“words following, in capital letters : “THE GREAT SEAL
“OF THE DELAWARE STATE,” *with the figures 1777 ;*
“which shall, from and after the delivery thereof to the President
“and Commander-in-Chief, be the Great Seal and deemed the
“Arms of this State.

“*Resolved*, That the Seal of the County of New Castle shall
“be deemed and held to be the Great Seal of this State *pro tem-*

“*pore* until the above described Great Seal is made and delivered
“to the President and Commander-in-Chief, and no longer.”

Which, being read, were concurred in.

Resolved, That Mr. Sykes be appointed, together with Mr. McKean, for procuring a new Great Seal as aforesaid.

“IN THE HOUSE OF ASSEMBLY,

“THURSDAY, January 16th, 1777.

“*Ordered*, That Mr. Ridgely and Mr. Horsey be of the Committee for Publick Accounts, appointed at the last sitting of this
“House, in the room of Messrs. Lockwood and Bradley, who
“are absent; and that the accounts of the Independent Company
“and the Militia of this State be referred to the said committee.”

Which, being read, was concurred in.

“IN THE HOUSE OF ASSEMBLY,

“FRIDAY, A. M., January 17th, 1777.

“On the report of the committee to whom ten several letters
“from the Council of Safety, the President of the Congress, &c.,
“&c., were referred,

“*Resolved*, 1, That two chains of fire-rafts be built as soon as
“possible and laid up in Christiana, or some other convenient
“harbor, from whence they may be brought to act against the
“ships of the enemy in case they should attempt to come up the
“Delaware.

“2. That two hundred barrels of bread, one hundred and
“forty barrels of beef, and sixty barrels of pork, be ordered to
“be purchased and deposited at Dover and Wilmington, or in
“such proper places as the President and Commander-in-Chief
“of this State shall direct, for the use of the Militia and Continental troops that may be called into action within the same,
“or that may have occasion therefor on their march elsewhere;
“and that one ton of powder, two tons of lead, and five hundred
“stand of arms, be procured as soon as practicable, and secured
“in the safest and most convenient places, by the President, for
“the use of this State.

“3. That a committee be appointed to join a committee of
“the Council, to state an account of expenditures by this State
“for and in behalf of the Continent, and lay the same before the
“respective Houses.

“4. That Mr. Speaker be directed to write a circular letter
“to each captain in the Delaware Battalion, to transmit forthwith
“to the General Assembly an account of the number of levies
“recruited by them on the new establishment.

“5. That Mr. Speaker be directed to write a letter to the
“President of the Congress, informing him that the persons
“employed in Pennsylvania under the Congress to buy clothing
“for the army have purchased up almost all the articles of that
“kind which were to be had in this State, and therefore it is
“hoped that they will be pleased to give some direction for the
“speedy clothing of the Delaware Battalion, as a single company
“of them will not be able to march without new clothes.”

Which, being also read, were concurred in.

Ordered, That Mr. Vandyke wait on the House of Assembly
with their several resolutions aforesaid agreed to by this House.

Resolved, That Messrs. Sykes and Vandyke be a committee
from this House to join a committee of the House of Assembly
to state an account of expenditures by this State for and in behalf
of the Continent.

Ordered, That Mr. Vandyke deliver a copy of this resolution
to the House of Assembly.

Adjourned to Friday, the 24th instant.

MONDAY, January 27th, 1777.

Council met. Present the Speaker, Messrs. Vandyke, Cantwell, Sykes, Wiltbank and Polk.

From the inclemency of the weather on Friday last, a quorum of members not attending, all business was postponed to this day.

The Council being informed that Slator Clay, Clerk of this House, is sick, his non-attendance is excused.

Mr. Vandyke reported that he had waited on the House of Assembly with the sundry resolutions of that House, and agreed to by the Council on the 18th instant, and delivered the same according to order.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution and order, to wit :

“ IN THE HOUSE OF ASSEMBLY,

“ January 27th, 1777.

“ The House resumed the consideration of the amendments proposed by the Council to the amendments made by this House in the report of the Committee for Publick Accounts, and,

“ On motion,

“ *Resolved*, That the same be recommitted to the said committee, and that the Council be requested to concur therein.

“ *Ordered*, That the orders of this House for arresting Boas Manlove and Thomas Robinson, Esquires, of the County of Sussex, together with the return of the Sergeant-at-Arms thereon, and the letter from the said Thomas Robinson to James Garriger, Esq., be laid before the Council.”

And the member aforesaid delivered, at the same time, the said orders of arrest, with their returns, together with Thomas Robinson's letter, which were read and laid on the table.

Resolved, That the Council concur in the recommitment of the report on Public Accounts, proposed by the House of Assembly as aforesaid.

Adjourned till to-morrow, 10 o'clock, A. M.

TUESDAY, January 28th, 1777.

Council met.

Ordered, That Mr. Speaker write to Messrs. Collins and Bassett, at the camp in New Jersey, desiring their attendance in Council, if the service they are in will admit.

Several members appointed on committees desiring leave of absence on that account,

Council adjourned till to-morrow morning, 10 o'clock, A. M.

WEDNESDAY, January 29th, 1777.

Council met.

On motion,

Ordered, That a messenger be dispatched with the letters wrote by the Speaker to Col. Collins and Capt. Bassett, members of this House, requiring their attendance if they may consistent with the service they are now in in the army under General Washington.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a letter from the President of Congress, inclosing certain resolutions of Congress, and the following resolution formed thereon, to wit :

“ IN THE HOUSE OF ASSEMBLY,
“ TUESDAY, A. M., January 28th, 1777.

“ WHEREAS the General Assembly of this State have passed, “ at their first meeting this session, a bill entitled ‘ An act to “ render certain bills of credit a legal tender within this State, “ and to prevent the counterfeiting the same and other bills of “ credit ;’ And whereas Mr. Speaker yesterday laid a letter “ from the President of the Honorable the Congress before the “ House, together with certain resolutions of Congress respecting “ the bills of credit heretofore emitted by that honorable body, “ which are recommended to the several Legislatures of the “ Thirteen United States of America to be enforced by laws ;

“ *Resolved*, That Mr. McKean, Mr. Stout, and Mr. Lea be a “ committee to confer with a committee of Council respecting “ the contents of the aforesaid resolutions of Congress, and to “ report certain additional clauses to the above mentioned bill, “ for the more effectual supporting the credit of the Continental “ currency, and also for the preventing and punishing the coun- “ terfeiting tickets in the Publick Lottery set on foot by Con- “ gress ; and that the Council be desired to appoint a committee “ to join herein, and to make report as soon as possible.”

Which, being read, were referred for consideration.

The committee to whom the report of the proceedings of the commissioners ordered to repair to camp was referred, now brought in their report thereon, which was read,

And thereupon

Resolved, That a Lieutenant Colonel and a Major be appointed to the Battalion now raising in this State to serve during the war, as the same was not done by the commissioners aforesaid ; and that it be recommended to the House of Assembly to join with the Council in such appointment, and that the same be done by a joint ballot of both Houses.

Resolved, That a representation be made to General Washing-

ton of the mistake committed with respect to the commission granted to Peter Jaquet, as oldest 2d Lieutenant in the battalion aforesaid, who ought to have had a commission and rank in the said battalion as Fifth 1st Lieutenant.

Resolved, That Mr. James Tilton's commission as Surgeon to the said battalion, with his letter of resignation, be transmitted to General Washington, that he may appoint another in his stead.

Ordered, That the foregoing resolutions, with the report of the commissioners aforesaid and the several papers delivered by them to this House, be sent to the House of Assembly for their consideration and concurrence.

Resolved, That the allowance to be made to the commissioners who repaired to camp, by order of the General Assembly, be referred to the Committee for Publick Accounts, to wit: Messrs. Sykes, Dingee, Thompson, Ridgely and Horsey.

Ordered, That Mr. Polk wait on the House of Assembly with this and the foregoing resolutions for concurrence.

EODEM DIE, P. M.

Council met.

Mr. Polk reported that he had delivered the resolutions and papers given him in charge this day to the House of Assembly according to order.

The House resumed the consideration of the resolution of the House of Assembly respecting the appointment of a committee of both Houses to report additional clauses to the bill entitled "An act to render certain bills of credit a legal tender within this State, and to prevent the counterfeiting the same and other bills of credit," passed at their first meeting this session agreeable to certain resolutions of Congress of the 14th instant,

And thereupon

Resolved, That the mode pointed out by the House of Assembly for carrying the resolutions of Congress into execution would, in the opinion of this House, be irregular and productive of confusion. That this business, as also all other acts of legislation, should take their rise in the one House or the other, and, when determined upon, referred to the other House for consideration and concurrence.

Ordered, That the following message, drawn up at the table, be transcribed, signed by the Speaker, and sent to the House of Assembly, that is to say :

Gentlemen :

The Council have taken into consideration the resolution of your House of yesterday proposing the appointment of a committee of their body, to join a committee named by you, for the framing additional clauses to a bill, passed at our first meeting in this session, entitled "An act to render certain bills of credit a legal tender within this State, and to prevent the counterfeiting the same and other bills of credit," in consequence of certain resolutions of Congress of the 14th instant, and though we wish to do everything on our part to render those resolutions more effectual within this State, we apprehend the mode pointed out by you for doing so by a joint committee would be irregular and productive of confusion. This business, as also all other acts of legislation, should take their rise in the one House or the other, and, when determined upon, be referred to the other for consideration. We therefore hope you will reconsider your resolution so far as the same relates to the request that the Council should appoint a committee to join the committee of your House in the first stage of this business.

Ordered, That Mr. Wiltbank wait on the House of Assembly with this message, and return the resolution of that House, with the President of Congress's letter and the resolutions of Congress referred to in the message, and also the concurrence of this House to the recommitment of the amendments proposed to the report of the Committee for Publick Accounts.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., January 30th, 1777.

Council met.

Mr. Wiltbank reported that he had waited on the House of Assembly according to the order of yesterday.

A member from the House of Assembly, attending at the door, was admitted and returned the resolutions of this House of the 15th instant, with the concurrence of the House of Assembly to all of them except the resolve founded on the resolution of Congress of the 27th of December, recommending the marching of the new levies of this State by companies, and parts of companies, which is suspended until an answer is received from Congress to a letter wrote to them respecting the clothing of the battalion of this State.

On motion, by order,

The bill for ascertaining the salaries and allowances to the officers and persons therein mentioned employed in the Government of this State, and for the providing funds for payment thereof, was read a second time for consideration and debate, and, after some time spent therein, was referred till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Wiltbank, being indisposed, has leave of absence till tomorrow.

The House resumed the consideration of the bill for ascertaining the salaries, &c., to officers, &c., and divers amendments being proposed and agreed to, the same were transcribed.

Ordered, That Mr. Sykes wait on the House of Assembly with the said bill and the amendments thereto proposed by the Council for their consideration and concurrence.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, January 31st, 1777.

Council met.

Mr. Sykes reported that he had waited on the House of Assembly according to the order of yesterday.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a bill "to punish "treasons and disaffected persons, and for the security of the "Government."

Which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, February 1st, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and returned the bill for ascertaining the salaries to officers, &c., with the amendments proposed by this Council, to all of which the House of Assembly agreed except the 3d and 4th; and delivered a bill "of free and general pardon, indemnity and "oblivion."

Which, by order, was read the first time.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill "for supporting
"and establishing the bills of credit issued by Congress, &c."

By order read the first time.

Adjourned till Monday morning, 10 o'clock.

MONDAY, February 3d, 1777.

Council met.

Several of the members attending on committees, adjourned till to-morrow morning.

TUESDAY, February 4th, 1777.

Council met, and, on motion,

Ordered, That Mr. Polk be of the Committee for Publick Accounts, appointed at the late sitting of this House, in the room of Mr. Dingee, who is absent.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., February 5th, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and returned the resolution of this Council of the 29th ultimo for the referring of the allowance to be made to the commissioners who repaired to camp to the Committee for Publick Accounts with the concurrence of the House of Assembly thereto; and also returned the three resolutions of this Council of the said day, founded on the report of the committee to whom the proceedings of the said commissioners were referred, to all of which the House of Assembly dissented, and instead thereof propose the following resolution, to wit :

“ IN THE HOUSE OF ASSEMBLY,

“ SATURDAY, A. M., February 1st, 1777.

“ The House resumed the consideration of the resolutions of
“ Council on the report of their committee to whom the report
“ of the commissioners ordered to repair to the camp was re-
“ ferred, and thereupon

“ *Resolved*, That the two Houses appoint, by joint ballot, all
“ officers necessary to supply the vacancies in the battalion now
“ raising in this State to serve during the war, and that the Coun-
“ cil be requested to concur herein.”

Which, being read, was ordered to lie for consideration.

Adjourned till to-morrow morning.

THURSDAY, February 6th, 1777.

Council met.

Mr. Bassett, having returned from the camp in New Jersey, appeared and took his seat.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair sundry resolutions of that House, founded on a petition from Col. John Jones, of Sussex County : 1st, for the loan of one thousand pounds for five years, without interest, to enable him to erect works for manufacturing salt in this State ; 2d, to take of him ten thousand bushels annually for five years, at the rate of five shillings per bushel ; 3d, to bind Col. Jones to the delivery of three thousand bushels at the least, and not more than the said ten thousand bushels annually, at the rate aforesaid, for the use of the State ; 4th, giving the said Col. Jones the exclusive right of making salt for sale in this State for the term aforesaid on complying with the above conditions ; 5th, empowering the President of the State to draw for the sum to be lent and to take security for the performance of the said conditions, and for the repayment of the money lent at the end of any one year wherein Col. Jones may fail to supply the quantity of three thousand bushels, as aforesaid ; 6th, limiting the time of applying for the draught and giving the security ; to wit :

“ IN THE HOUSE OF ASSEMBLY,
“ WEDNESDAY, February 5th, 1777.

“ The report of the committee appointed to confer with Col. John Jones, of Sussex County, on the subject matter of his petition, praying the loan of a sum of money to enable him to carry into execution his intention of erecting salt works in this State, &c., was, by order, read the second time, and, being amended, was agreed to, as follows, to wit :

“ *Resolved*, 1. That the sum of one thousand pounds be let by this State upon loan to the said Col. John Jones (the better to enable him to carry into execution his intention of erecting salt works in this State, at or near Indian River, in Sussex

“County,), he, the said John Jones, giving bond, with sufficient
“sureties, for the payment of that sum at the expiration of five
“years from the date of said bond.

“2. That for the further encouraging the said Col. Jones in
“prosecuting his intentions and erecting said works for manu-
“facturing the useful article of salt, this State should engage to
“purchase or take of him the quantity of ten thousand bushels
“of salt, at the rate of five shillings per bushel, annually for the
“space or term of five years, in consideration of which,

“*Resolved*, 3. That the said Col. John Jones ought to engage
“and bind himself, his executors and administrators, to deliver,
“for the use of this State, to such person or persons as the
“President shall appoint, all the salt that by him shall be manu-
“factured or made therein (at the place where the salt works
“shall be erected), for the space or term of five years aforesaid,
“at the rate of five shillings per bushel, so that the quantity in
“any one year during that term does not exceed ten thousand
“bushels; and that he should be bound and obliged to deliver,
“in each and every year during the term aforesaid, at the manu-
“factory aforesaid, for the use of this State, the quantity of three
“thousand bushels of salt, manufactured therein at the rate afore-
“said.

“4. That upon the said Col. John Jones complying with the
“conditions herein before expressed to be by him entered into
“and performed, that he, the said Col. John Jones, his executors,
“administrators and assigns, ought to have the exclusive right of
“making salt in this State for sale for and during the last four
“years of the term aforesaid; and that he may dispose of and sell
“to such person or persons as he pleases, and at such prices as
“he can get, all the overplus salt he shall make after furnishing
“the State with the aforesaid quantity of ten thousand bushels
“annually for the term of five years aforesaid.

“5. That the said sum of one thousand pounds be drawn for
“by the President out of the ten thousand pounds granted by
“the present General Assembly for the use of the State, under
“whose direction the bond aforesaid from the said John Jones
“and his sureties shall be taken, with the further condition that
“the same shall be payable at the end of any one year during
“which the said John Jones shall fail to supply the aforesaid
“quantity of three thousand bushels of salt.

“6. That if the said John Jones shall neglect to make application for the said draught, or to execute his bond on or before “the 20th day of April next, that the encouragement proposed “to be given to him shall cease.”

Which, being read, were ordered to lie on the table for consideration.

The committee appointed to prepare and bring in a bill for the more effectual establishing a Militia in this State laid one on the table, which they submitted to the correction of the House.

On motion,

Ordered, That the said bill be read the first time, which was done accordingly.

Adjourned till to-morrow morning.

FRIDAY, February 7th, 1777.

Council met.

The bill for the more effectual establishing a Militia in this State was read the second time, and, being debated paragraph by paragraph, was referred over till to-morrow.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolutions, to wit :

“IN THE HOUSE OF ASSEMBLY,

“FRIDAY, A. M., February 7th, 1777.

“*Resolved*, That it is the opinion of this House that the General Assembly should proceed to the appointment of the Civil “Officers of this State, agreeable to the directions of the Constitution, on Monday morning next, in the State House, by joint “ballot of both Houses.

“Resolved, That Messrs. McKean, Ridgely, Cook, White, and
“Laws be a committee to confer with a committee of Council for
“the purpose of adjusting the mode of appointing the officers
“aforesaid, and that the Council be requested to concur in these
“resolutions.”

Which, being read, were deferred till to-morrow morning.

Adjourned till to-morrow, 10 o'clock, A. M.

SATURDAY, February 8th, 1777.

Council met, and resumed the consideration of the bill for the more effectual establishing a Militia in this State, and, after some time spent therein, the same was agreed to.

Ordered, That Mr. Polk wait on the House of Assembly with the said bill for their consideration and concurrence.

Mr. Polk, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

On motion,

The resolutions of the House of Assembly of the 7th of February, referred over till this morning, were again read and then concurred in.

Ordered, That Mr. Sykes, Mr. Bassett, Mr. Cantwell, Mr. Vandyke, and Mr. Wiltbank be a committee to confer with the committee of the House of Assembly for the purpose of adjusting the mode of appointing the Civil Officers of this State.

Ordered, That Mr. Polk wait on the House of Assembly with their resolutions aforesaid agreed to by this House.

Who, being returned, reported that he had delivered the same according to order.

Adjourned to Monday next.

MONDAY, P. M., February 10th, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution and order of that House, to wit :

“ IN THE HOUSE OF ASSEMBLY,
“ MONDAY, A. M., February 10th, 1777.

“ The committee appointed to confer with a committee for the purpose of adjusting the mode of appointing the Civil Officers of this State brought in their report, which, by order, was read the first time.

“ On motion, by special order,

“ The same was read the second time, and thereupon,

“ *Resolved*, That the same report be recommitted to the following committee, to wit : Messrs. Moore, Thompson, Jones, Lea, and Robinson, who are hereby appointed to confer with a committee of Council thereon.”

“ EODEM DIE, P. M.

“ *Ordered*, That the proceedings of this forenoon on the report of the committee appointed to confer with a committee of Council for the purpose of adjusting the mode of appointing the Civil Officers of this State, be transcribed and sent to the Council for concurrence, and that Mr. Hill deliver the same.”

Which, being read, was concurred in.

Ordered, That Mr. Polk be added to the former committee of Council appointed for this business, and that Mr. Wiltbank wait on the House of Assembly with their resolution aforesaid and the concurrence of Council thereto and the appointment of Mr. Polk.

Mr. Wiltbank reported that he had waited on the House of Assembly and delivered the resolution aforesaid according to order.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., February 11th, 1777.

Council met, and resumed the consideration of the resolution of the House of Assembly of the 5th instant, founded upon a petition of Col. John Jones, of Sussex County, for a loan of a sum of money to enable him to erect salt works in this State, and an exclusive right to make salt for sale on certain conditions for five years, and divers amendments being proposed and agreed to the same were transcribed.

Ordered, That Mr. Vandyke wait on the House of Assembly with the resolutions and amendments for their consideration and concurrence.

Mr. Vandyke reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following report and order thereon, to wit :

“IN THE HOUSE OF ASSEMBLY,
“MONDAY, P. M., February 10th, 1777.

“The Committee of the General Assembly of Delaware, appointed for the purpose of settling and adjusting the accounts of the Officers and Privates of the Second Delaware Battalion, raised for the Flying Camp, previous to their being passed by the Commissary of Musters, do report that they find :

The amount of Colonel Samuel Patterson's account, for pay and subsistence since the time aforesaid, to be	£	47	12	0
The amount of Lieut. Col. Robert Hodgson's account, for do. same time, to be		38	13	2
The amount of Major Henry Niell's account is		32	16	0
The amount of the Rev'd Samuel Eakin, Chaplain's account, is		32	16	0
The amount of James Lukes, Adjutant's acc't, is		24	17	3
<i>Carried over</i> , ...	£	176	14	5

<i>Brought over,</i>	£	176	14	5
The amount of John Watson, Quartermaster's account, is		16	18	6
The amount of James Tate, Surgeon's account is		31	11	0
The amount of Edward Duff's account, Surgeon's mate, is		16	14	4
The amount of William Millan, Paymaster's account, is		24	17	3
The amount of Capt. Thos. Kean's account of pay and subsistence of his company officers and privates for the time aforesaid is		338	18	10
The amount of Capt. James Dunn's account of same is		302	6	5½
The amount of Capt. William Moody's account of same is		339	16	2
The amount of Capt. Manlove's account of same is		395	15	7
The amount of Capt. Jos. Caldwell's account of same is		339	6	11
The amount of Capt. John Woodgate's account of same is		314	0	2
The amount of Capt. Nathaniel Mitchell's account of same is		179	6	2½
*£ 2485 6 8				

“Your committee do further report that the several accounts of particulars of the above mentioned separate sums, amounting in the whole to two thousand four hundred and eighty-five pounds six shillings and eight pence, are herewith returned for the examination and correction of the General Assembly. The account of Capt. Thomas Skillington's company has not yet come before your committee.”

“The foregoing report being read the second time and considered, passed the House.

“*Ordered*, That the same be transcribed and sent to the Council for their concurrence, and that Mr. Stout deliver the same, together with the accounts therein referred to.”

Which was read and ordered to lie on the table for consideration.

* So in the manuscript.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the report of the joint committee of both Houses for adjusting the mode of appointing the Civil Officers of this State, and a resolution of the House of Assembly respecting the choice of two Delegates to represent this State in Congress for concurrence of the Council.

Which, by order, were read, and some amendments being proposed and agreed to, the same were transcribed.

Ordered, That Mr. Vandyke wait on the House of Assembly with the said report and resolution, and the amendments thereto proposed by the Council for their consideration and concurrence.

Mr. Vandyke reported that he had waited on the House of Assembly according to the order aforesaid.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M., February 11th.

Council met, and took into consideration the third and fourth amendments proposed by them to the House of Assembly to the bill "for ascertaining the salaries, &c., to officers, &c.," and do recede from the same, and do agree that the said bill, as it now stands, be enacted into a law.

Ordered, That Mr. Polk wait on the House of Assembly with the bill and resolution aforesaid.

Mr. Polk reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the resolutions respecting the loan of one thousand pounds, &c., to Col. John Jones to enable him to erect salt works in this State, with the amendments pro-

posed by this House, to all of which the House of Assembly agreed except the 6th ; and also returned the report of the joint committee for adjusting the mode of appointing the Civil Officers of this State, &c., and resolution respecting the choice of two Delegates, with the amendments proposed by this House, to which the House of Assembly also agreed except the 2d.

On motion,

Resolved, That the said second amendment proposed by the Council be receded from.

Which report and resolution, as amended and now agreed to, is as follows, to wit :

“The committee to whom was recommitted the report of a
“conference with a committee of the Council for the purpose of
“adjusting the mode of appointing the Civil Officers of this State
“met the said committee of Council and agreed upon the follow-
“ing report, to wit :

“That the members of both Houses should meet this afternoon
“in the State House, when each member may propose a person
“for President, and, when all are nominated, that their names be
“taken down in writing and left on the table for the perusal and
“consideration of the members of both Houses. The said com-
“mittees further agreed that the election for President should be
“held at the same place in the afternoon of the morrow, when
“the persons nominated for President shall be balloted for by
“writing his or their names on several pieces of paper, and the
“person who has the greatest number of voices (provided he has
“a majority of the votes of members present) shall be President;
“and in case it should happen that no person nominated should
“have a majority of votes of the members present, then and in
“such case the two highest in vote shall be balloted for again.
“But if it should so happen that two or more persons next to
“the highest should be equal in vote, then the said two or more
“persons shall be voted for again, and the person who has the
“greatest number of voices of those last mentioned shall be bal-
“loted for as aforesaid together with the person who was highest
“in vote upon the first election, and the person who is highest
“in vote of those two last mentioned persons shall be President ;
“but if the votes be equal, in such case the Speaker of the Coun-
“cil shall have an additional casting voice.

“The said committee further agreed that the persons suitable
“for the Judges of the Supreme Court, Judge of the Admiralty,
“the Justices of the Common Pleas, and the Commissioners for
“the Continental Loan Office for this State, may be proposed by
“any member on the day last aforesaid, who are to be chosen in
“manner above directed on some future day, to be agreed upon
“by both Houses.

“*Resolved*, That the members of both Houses, when assembled together to-morrow afternoon, shall propose the names of
“persons to be chosen as two of the Delegates in Congress, in
“the stead of John Dickinson and John Evans, Esquires, in the
“method proposed respecting the President; and that such Delegates be elected at such time and place and in the same manner
“that the Justices of the Supreme Court are above directed to
“be elected.”

Ordered, That Mr. Vandyke wait on the House of Assembly with the concurrence of Council to the foregoing report and resolution, and inform that House that the Council will attend in the State House in half an hour to propose a person for President of this State.

Mr. Vandyke reported that he had waited on the House of Assembly according to the order aforesaid.

The Council proceeded to the State House and there met the House of Assembly, when divers persons were put in nomination for the office of President and their names taken down for the consideration of the members of both Houses.

Then the Council adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., February 12th, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled "An act against Desertion and harbouring Deserters, or dealing with them in certain cases," for the consideration and concurrence of the Council.

Which, by order, was read the first time.

On motion, by order,

The "bill to punish treasons and disaffected persons and for the security of the Government," was read the second time, and, after some time being spent therein, was postponed for further consideration.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a letter from the President of Congress requesting an immediate representative from this State.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

A member from the House of Assembly, attending at the door, was admitted and informed the Council that the House of Assembly is now ready to proceed to the election of a President for this State, agreeable to the joint resolution of yesterday, and then he withdrew.

The Council met the House of Assembly in the State House, and there, in General Assembly, proceeded to the election of a President for the State, and the members of both Houses, to wit: seven of the Council and sixteen of the House of Assembly, then present, having prepared tickets with the name of the President to be appointed and put the same into the ballot-box, the Speakers of the two Houses, in the presence of the other members, examined the ballot-box, and it appearing that nineteen votes, out of the twenty-three put into the said box, were in favor of the Honorable John McKinley, Esquire,

Whereupon the said John McKinley is declared duly elected President of this State for the term of three years next ensuing, and until the sitting of the next General Assembly thereafter, and no longer, agreeable to the present Constitution or system of government.

Then divers persons were put in nomination as suitable for the respective offices of Justices of the Supreme Court for the State, Judge of Admiralty, Justices of the Common Pleas and Orphans' Courts for each County, and for Commissioner of the Continental Loan Office for this State, and for Delegates in Congress in the stead of John Dickinson and John Evans, Esquires.

The Council then adjourned till 10 o'clock to-morrow morning.

THURSDAY, A. M., February 13th, 1777.

Council met, and resumed the consideration of the "bill to punish treasons and disaffected persons, &c.," and divers amendments being proposed and agreed to, the same were transcribed.

Ordered, That Mr. Wiltbank wait on the House of Assembly with the said bill and the amendments thereto proposed by this House for their consideration and concurrence.

Mr. Wiltbank reported that he had waited on the House of Assembly according to the order aforesaid.

The House took into consideration the "bill for supporting and establishing the Bills of Credit issued by Congress, &c.," which, by order, was read the second time and deferred for further consideration.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., February 14th, 1777.

Council met, and resumed the consideration of the "bill for supporting and establishing the Bills of Credit issued by Congress, &c.," and after some time spent therein the same was deferred till the afternoon.

EODEM DIE, P. M.

Council met.

Mr. Collins, having returned from the camp in New Jersey, appeared, but being indisposed prayed leave of absence. The same was granted.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a letter from the Commissary General of Clothing, with the following resolution relative thereto, to wit :

“IN THE HOUSE OF ASSEMBLY,
“FRIDAY, A. M., February 7th, 1777.

“On motion,

“*Resolved*, That the Captains Kirkwood and Anderson march
“their companies forthwith to the City of Philadelphia, in order
“that they may be clothed as speedily as possible.”

And returned the bill entitled “An act for the better establishing the Militia,” with sundry amendments thereto, proposed for consideration and concurrence of the Council,

Which were read and ordered to lie on the table.

The bill for supporting and establishing the Bills of Credit issued by Congress, under consideration in the forenoon, was resumed, and divers amendments being proposed and agreed to, the same were transcribed.

Ordered, That Mr. Wiltbank wait on the House of Assembly with the said bill and the amendments thereto proposed for their consideration and concurrence.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, February 15th, 1777.

Council met, and took into consideration the resolution of the House of Assembly respecting the march of the Captains Kirkwood and Anderson, which, being read, was concurred in.

Ordered, That Mr. Wiltbank wait on the House of Assembly with their resolution aforesaid and letter from the Commissary General relative thereto, with the concurrence of Council, and return to that House the resolutions of Congress of the 14th January, recommending it to the different Legislatures to enact laws preventing the counterfeiting the Continental Bills of Credit, &c.

Mr. Wiltbank reported that he had waited on the House of Assembly according to the orders aforesaid.

On motion, by order,

The bill entitled "An act against Desertion and harbouring Deserters, &c.," was read the second time, and divers amendments being proposed and agreed to, the same were transcribed.

Ordered, That Mr. Wiltbank wait on the House of Assembly with the said bill and amendments thereto proposed for their consideration and concurrence, who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

Adjourned till Monday morning, 10 o'clock.

MONDAY, A. M., February 17th, 1777.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled "An act against Desertion and harbouring Deserters, &c.," with the amendments thereto proposed by this House, to all of which the House of Assembly had agreed. And the bill entitled "An act for supporting and establishing the Bills of Credit issued by Congress, &c.," with the amendments proposed by this House, to which the House of Assembly had also agreed.

And the same member delivered at the Chair a "bill for aiding the discontinuance of the process in the Supreme Court, and for altering the times of holding the said Court and the Courts of General Quarter Sessions and Common Pleas." And a bill intitled "An act to render parts of divers Acts of Assembly and certain law proceedings more conformable to the present Constitution."

Which were laid on the table.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The House resumed the consideration of the bill entitled "An act for the better establishing the Militia," as returned by the House of Assembly with the amendments thereto proposed, and divers amendments being made to the amendments proposed by the House of Assembly, the same were agreed to and ordered to be sent to the House of Assembly for their concurrence.

Ordered, That Mr. Vandyke wait on the House of Assembly with the said bill and amendments, also a message assigning the reasons for rejecting the first amendment proposed to said bill.

Who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., February 18th, 1777.

Council met, and took into consideration the 6th amendment proposed by them to the 4th resolution of the House of Assembly respecting the granting to Col. Jno. Jones, on certain conditions, an exclusive right to make salt in this State for sale for five years, &c., and do adhere to the same.

On motion,

Ordered, That a committee be appointed to draw up a message to the House of Assembly assigning the reasons for adher-

ing to the 6th amendment proposed to the resolution aforesaid, and Messrs. Vandyke and Bassett were appointed for that purpose.

The committee appointed to draw up a message to the House of Assembly laid one on the table, which was read, and, after some amendments made, was transcribed, signed by the Speaker, and is as follows :*

Ordered, That Mr. Bassett wait on the House of Assembly with the said message.

Mr. Bassett, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The bill entitled "An act of free and general pardon, indemnity and oblivion," was read the second time and postponed for further consideration.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled "An act for the better establishing the Militia," with the concurrence of the House of Assembly to the amendments proposed by the Council to the amendments proposed by the House of Assembly, and the consent of that House to recede from their first amendment proposed to the said bill, and the amendments proposed and concurred in as aforesaid being made in the bill, ordered that the same be engrossed.

* This message does not appear to have been placed on record.

The bill "for aiding the discontinuance of the process in the Supreme Court, and for altering the times of holding the said Court and the Courts of General Quarter Sessions and Common Pleas," was, by order, read the 1st time.

On motion, by order,

The bill entitled "An act to render parts of divers acts of Assembly and certain law proceedings more conformable to the present Constitution," was also read the first time.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution, to wit :

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., February 18th, 1777.

"On motion,

"*Resolved*, That it is the opinion of this House that the General Assembly should proceed to the choice of the remaining Civil Officers of this State, who are in nomination, on Thursday morning next, and that the Council be requested to concur herein."

Which was read and ordered to lie on the table for consideration.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., February 19th, 1777.

Council met.

On motion and order,

The bill for aiding the discontinuance of the process of the Supreme Court, and for altering the times of holding the said Court and the Courts of General Quarter Sessions and Common Pleas, was read a second time and agreed to by the Council.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the votes and proceedings of that branch of the Council of Safety for New Castle County since their appointment in November last, together with the following resolution of that House, to wit :

“IN THE HOUSE OF ASSEMBLY,
“TUESDAY, P. M., February 18th, 1777.

“The House resumed the consideration of the votes and proceedings of that branch of the Council of Safety residing in the County of New Castle (since the last sitting of the General Assembly), and, after some time spent therein, the same were approved of ; and as to that part of the said proceedings which relates to the application of the Militia who marched from this State to join the Continental army respecting a bounty therefor,

“*Resolved*, That every non-commissioned officer and private that marched from this State to join General Washington, and who remained in service for the space of six weeks from the time of marching until such person was regularly discharged by order of the General, shall be allowed a bounty of six dollars.”

On motion and order,

The votes and proceedings of that branch of the Council of Safety residing in the County of New Castle, with the resolution of the House of Assembly aforesaid, were severally read, and the

same being taken into consideration, the same votes and proceedings were generally approved of by Council and the said resolution concurred in.

On motion and order,

The Council resumed the consideration of the bill entitled "An act of free and general pardon, indemnity and oblivion," and the same being again read was unanimously rejected.

Mr. Speaker laid on the table a memorial from himself, as one of the Delegates from this State to Congress, representing that such is the state of his private affairs at present that it will be very injurious to him to give his attendance in Congress for some months to come, which may, with just reason, be expected by the General Assembly, therefore he prayed leave to resign his seat in Congress.

Which, by order, was read and postponed for consideration.

It appearing to the Council that Boaz Manlove, late of Sussex County, doth retain in his hands the sum of three hundred and eighty pounds, part of the Sussex County quota of the Bills of Credit ordered to be emitted by an Act of Assembly passed in the year of our Lord one thousand seven hundred and seventy-five, entitled "An act for emitting the sum of Thirty Thousand Pounds in Bills of Credit on loan, and providing a fund for payment of Public Debts," and deposited in his hands as one of the signers of the bills,

On motion, leave is granted to bring in a bill for the recovery of the aforesaid sum of three hundred and eighty pounds, with interest from the first day of April last past, and thereupon Mr. Bassett delivered a bill for the purpose aforesaid at the table, which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The resolution of the House of Assembly of yesterday respecting the choice of the remaining civil officers on Thursday morning next was taken into consideration, and, on motion, the following message, drawn up at the table, was transcribed, and, by order, signed by the Speaker, to wit :

“A MESSAGE FROM THE COUNCIL TO THE HOUSE
“OF ASSEMBLY.

“*Gentlemen :*

“The Council having taken into consideration the resolution
“of the House of Assembly for the choice of the remaining Civil
“Officers of this State on Thursday morning next, are of opinion,
“upon a review of the other business before them, that the time
“of choosing those officers had better be postponed till Friday
“morning next, and wish that that time may be approved of by
“the House of Assembly.”

The bill against Desertion and harbouring of Deserters, &c., and the bill for the supporting and establishing the Bills of Credit issued by Congress, &c., being severally examined and compared with the amendments proposed by the Council, and the same appearing to have been severally made and entered in the said bills, the Council consent that the said bills be enacted into laws.

Ordered, That Mr. Sykes wait on the House of Assembly with the message aforesaid and the two last mentioned bills, together with the bill for aiding the discontinuance of the process of the Supreme Court.

Mr. Sykes, being returned, reported that he had waited on the House of Assembly and delivered the papers given to him in charge according to order.

On motion, by special order,

The bill for the recovery of a sum of money due from Boaz Manlove to this State was read a second time, and, after some amendments made, passed this House, and ordered to be sent to the House of Assembly for their concurrence.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a written message from the Assembly, in answer to the message from the Council containing their reasons for adhering to their amendment of the 4th resolution of the House of Assembly for granting to Col. Jones, on certain conditions, an exclusive right to make salt in this State for sale for five years, and the same being read was laid on the table.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolution of that House, to wit :

“ IN THE HOUSE OF ASSEMBLY,
“ WEDNESDAY, A. M., February 19th, 1777.

“ On motion,

“ *Resolved*, That Mr. Thompson, Mr. Jones, and Mr. Robinson be a committee to join Messrs. Sykes and Vandyke, a committee of Council, to state an account of expenditures by this State for and in behalf of the Continent.”

Which was read and approved.

The member from the Assembly aforesaid also delivered at the Chair the concurrence of the House of Assembly to the proposal made by the Council in their message of this day for postponing the choice of the remaining civil officers of this State till Friday morning next.

On motion,

Ordered, That Mr. Wiltbank wait on the House of Assembly with the bill entitled “An act of free and general pardon, indemnity and oblivion,” and inform that House that the said bill is rejected by the Council.

And with the bill for the recovery of a sum of money due from Boaz Manlove to the Delaware State, for their perusal and concurrence.

And with the votes and proceedings of the Council of Safety of New Castle County, with the resolutions of the House of Assembly thereon, and for a bounty to be allowed to such of the Militia as marched and served six weeks, &c., with the approbation and concurrence of Council.

And with the orders of the House of Assembly for arresting Boaz Manlove and Thomas Robinson, and the Sergeant-at-Arms' return thereon, and the letter from the said Thomas Robinson to James Garrigen, Esq.

And with the approbation of Council to an appointment of the Committee for Publick Expenditures.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, 20th February.

Council met, and took into consideration the written message from the House of Assembly of yesterday respecting the grant of an exclusive right, on certain conditions, to Col. Jones to make salt in this State for sale for the term of five years, and some time being spent thereon, the following message, being drawn up at the table, was agreed to, and transcribed and ordered to be signed by the Speaker : *

A member from the House of Assembly, attending at the door, was admitted and returned the bill for the recovery of a sum of money due from Boaz Manlove to the Delaware State, with a

* The message is not recorded in the minutes.

paper of amendments proposed by the House of Assembly thereto, which, being read and considered, were agreed to, and being made in the bill the same were ordered to be engrossed.

On motion and order,

The bill entitled,

“An act to render parts of divers acts of Assembly and certain law proceedings more conformable to the present Constitution,”

Was read a second time, and several amendments proposed being agreed to, the bill, with the amendments, were ordered to be returned to the House of Assembly for their consideration and concurrence.

Ordered; That Mr. Bassett wait on the House of Assembly with the last bill and its amendments and the foregoing message from the Council.

Mr. Bassett, being returned, reported that he had delivered the same according to order.

The Militia bill being engrossed was read and compared at the table and ordered to be sent to the House of Assembly for their examination.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, February 21st, 1777.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolution, to wit :

“ IN THE HOUSE OF ASSEMBLY,
“ FRIDAY, A. M., February 21st, 1777.

“ On motion,

“ *Resolved*, That the Prothonotary of the Court of Common
“ Pleas for the County of New Castle do deliver the seal of the
“ said county, used in his office, unto the Honorable the Speaker
“ of the Council, the same seal being established as the Great
“ Seal of this State until a new one is made and delivered to the
“ President and Commander-in-Chief; and then it is ordered that
“ the seal aforesaid be redelivered to the Prothonotary.”

Read and concurred in.

Ordered, That Mr. Sykes wait on the House of Assembly with the above resolution and concurrence of Council thereto.

Mr. Sykes, being returned, reported that he had waited on the House of Assembly according to order.

The Council, according to the order of the day, met the President of the State and the House of Assembly in the State House, and the President and members of both Houses having prepared tickets with the names of the Justices of the Supreme Court to be appointed for the State and put the same into the ballot-box, the Speakers of the two Houses, in presence of the President and the members, examined the ballot-box, and it appearing that there was a majority of votes in favor of Richard M. William, Esquire, as Chief Justice of the said Court, and a majority of votes in favor of Cæsar Rodney, Esquire, as second Justice of the said Court, and a majority of the votes in favor of James Sykes, Esquire, as third Justice of the said Court,

Thereupon the said Richard M. William, Cæsar Rodney, and James Sykes are declared duly elected and appointed Justices of the Supreme Court for the State.

Then the President and members of both Houses proceeded, in like manner, to ballot for a Judge of Admiralty, and it appearing that there was a majority of votes in favor of Nicholas Vandyke, Esquire,

Thereupon the said Nicholas Vandyke is declared duly elected and appointed Judge of Admiralty.

Then the President and members of both Houses proceeded, in like manner, to ballot for Justices of the Courts of Common Pleas and Orphans' Courts for the County of New Castle, and it appearing that the votes were unanimously in favor of John Jones, Esquire, as Chief Justice of the said Courts ; James Latimer, Esquire, as second Justice ; John Thompson, Esquire, as third Justice, and Abraham Robinson, Esquire, as fourth Justice of the said Courts,

Thereupon the said John Jones, James Latimer, John Thompson, and Abraham Robinson are declared duly elected and appointed Justices of the Court of Common Pleas and Orphans' Court for New Castle County.

Then the President and members of both Houses proceeded, in like manner, to ballot for Justices of the Courts of Common Pleas and Orphans' Court for the County of Kent, and it appearing that the votes were unanimously in favor of Thomas Tilton, Esquire, as Chief Justice; John Clark, Esquire, as second Justice; Richard Smith, Esquire, as third Justice, and Thomas White, Esq'r, as fourth Justice of the said Courts,

Thereupon the said Thomas Tilton, John Clark, Richard Smith, and Thomas White are declared duly elected and appointed Justices of the Courts of Common Pleas and Orphans' Courts for Kent County.

Then the President and members of both Houses proceeded, in like manner, to ballot for Justices of the Courts of Common Pleas and Orphans' Courts for the County of Sussex, and it appearing that twenty votes, of the twenty-one persons voting, were in favor of John Wiltbank, Esquire, as Chief Justice of the said Courts ; and the votes were unanimously in favor of William Polk, Esquire, as second Justice, and of John Laws, Esquire, as third Justice, and that there was a majority of the votes in favor of Isaac Smith, Esquire, as fourth Justice of the said Courts,

Thereupon the said John Wiltbank, William Polk, John Laws, and Isaac Smith are duly declared elected and appointed Justices of the Courts of Common Pleas and Orphans' Courts for Sussex County.

Then the President withdrew, and the members of both Houses proceeded, in like manner, to ballot for a Commissioner of the

Continental Loan Office for this State, and it appearing that the votes were unanimously in favor of Samuel Patterson, Esq'r,

Thereupon the said Samuel Patterson is declared duly elected and appointed Commissioner of the Continental Loan Office for this State.

Then the members of both Houses proceeded, in like manner, to ballot for two Delegates to serve in Congress in the stead of John Dickinson and John Evans, Esquires, and it appearing that there was a majority of votes in favor of Nicholas Vandyke and James Sykes, Esquires,

Thereupon the said Nicholas Vandyke and James Sykes are declared duly chosen and appointed Delegates to represent this State in Congress in the stead of John Dickinson and John Evans.

Then the members of the two Houses proceeded also to the choice of Military Treasurers, and it appearing that the following gentlemen were unanimously elected, to wit : Samuel Patterson, Esq'r, for the County of New Castle ; John Banning, Esq'r, for the County of Kent, and John Rodney, Esq'r, for the County of Sussex, thereupon they are declared duly appointed to the said office.

Then the Council adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The bill for the recovery of a sum of money due from Boaz Manlove to the Delaware State, being engrossed, was read and compared at the table and ordered to be sent to the House of Assembly for their examination.

Ordered, That Mr. Vandyke wait on the House of Assembly with the said bill, and also the bill for the better establishing a Militia in this State.

Mr. Vandyke, being returned, reported that he had waited on the House of Assembly according to order.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., February 22d.

Council met.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled "An act to punish treasons and disaffected persons, &c.," with the amendments proposed by the Council, to all of which the House of Assembly concurred except the 5th, 7th, 8th, 11th and 13th. As to the 14th they propose two amendments. Also the bill entitled "An act to render parts of divers Acts of Assembly and certain law proceedings more conformable to the present Constitution," with the amendments proposed by this House, to all of which the House of Assembly agreed except the 1st.

On motion,

Ordered, That the following message, drawn up at the table, be transcribed, signed by the Speaker and sent to the House of Assembly, to wit :

Gentlemen :

As you have rejected the first amendment proposed to the bill entitled "An act to render parts of divers acts of Assembly and certain law proceedings more conformable to the present Constitution," without assigning the reasons of your dissent, and the Council still retaining their opinion that the amendment is a

necessary one to make the recital, in which the amendment is proposed, correspond with the enacting clause providing the remedy, either the one or the other requires an amendment; therefore, to save time, as the session is so near a conclusion, the Council do propose to the House of Assembly a conference of two or more members from each House upon the subject matter of this amendment.

Ordered, That Mr. Bassett wait on the House of Assembly with said message.

Who, being returned, reported that he had delivered the message according to order.

The committee appointed to confer with a committee of Assembly on the subject matter of settling and adjusting the accounts of the officers and privates in the 2d Delaware Battalion of the Flying Camp, commanded by Col. Samuel Patterson, from the time of their enlistment to their being passed by the Commissary of Musters, brought in their report with respect to Thomas Skillington's account, unsettled at a former meeting of said committee, which, by order, was read, and follows in these words, to wit :

“The committee of Council appointed to confer with a committee of Assembly on the subject matter of settling and adjusting the accounts of the officers and privates in the 2d Delaware Battalion of the Flying Camp, commanded by Col. Samuel Patterson, from the time of their enlistment to their being passed by the Commissary of Musters, at Philadelphia, do report that they met the committee of Assembly to settle and adjust the account of Captain Thomas Skillington, who commanded a company in said battalion (which, by a former report of said committee is mentioned not to have been laid before them at their first meeting), and they find the amount of the same, for pay, subsistence, enlistment, and other charges, specified in an account of particulars herewith returned, to be £365 : 9 : 11, which your committee submit to the examination and correction of Council. And your committee do further report it as their opinion that a committee of 3 persons be appointed, two by the House of Assembly and one by the Council, in each county, to settle what sum of money is due to each private in the battalion aforesaid, as well for his service

“from the time of passing muster, at Philadelphia, as for his pay
 “and subsistence from his enlistment to the time of muster afore-
 “said ; and that such settlements ought to be made by the said
 “committee, respectively, in presence of the captains and pri-
 “vates, or their representatives, from time to time, upon 8 days’
 “notice given of the time and place of meeting by advertise-
 “ment.”

The foregoing report being read the 2d time and considered,
 passed the Council.

Ordered, That the same be transcribed and sent to the House
 of Assembly for their concurrence.

The report of the same committee as to the other accounts of
 the same battalion, passed by the House of Assembly the 10th
 instant, was, by order, read a 2d time and concurred in by the
 Council.

Ordered, That Mr. Wiltbank deliver the said several reports,
 together with the accounts therein referred to, to the House of
 Assembly.

Who, being returned, reported that he had waited on the
 House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door,
 was admitted and returned the resolutions of that House respect-
 ing Col. Jones’s petition for an exclusive right to make salt, &c.,
 with the amendments thereto proposed by the Council, also an
 amendment proposed by the House of Assembly to their 4th
 resolution, and delivered the resolutions following, to wit :

“IN THE HOUSE OF ASSEMBLY,
 “SATURDAY, A. M., February 22d, 1777.

“On motion,

“*Resolved*, That the Speakers of both Houses be requested
 “to write to General Washington, informing him of the receipt
 “of his letter of the 31st of January last ; that in consequence
 “thereof the Legislature of this State have passed an ‘An act
 “against desertion and harbouring deserters, or dealing with
 “them in certain cases,’ which they flatter themselves will an-
 “swer the intended purpose.

“That the General Assembly have been informed that Col. Bedford and Major McDonough decline going into the service of the army.

“That the recruiting of the Delaware Battalion goes on very slowly, occasioned, as is apprehended, by the want of the vacancies of officers in the said battalion being filled up, and the great number of parties from other States now recruiting in this.”

“IN THE HOUSE OF ASSEMBLY,
“SATURDAY, A. M., February 22d, 1777.

“On motion,

“*Resolved*, That the President be and he is hereby impowered and directed to issue his proclamation for continuing all officers, civil and military, in this State, in the full exercise of their respective offices, according to the present Constitution, until superceded by new appointments.”

Also, the following verbal message, to wit :

“VERBAL MESSAGE TO THE COUNCIL FROM THE ASSEMBLY.

“The House of Assembly have concurred in your proposition for appointing conferees respecting the 1st amendment proposed to the bill entitled ‘An act to render parts of divers acts of Assembly and certain law proceedings more conformable to the present Constitution,’ and have appointed Jacob Moore and Charles Ridgely, Esquires, for that service.”

On motion,

Ordered, That Messrs. Sykes and Bassett be a committee on the part of this House for the purpose aforesaid.

A member of the House of Assembly, attending at the door, was admitted and delivered to the Chair the following orders, to wit :

“IN THE HOUSE OF ASSEMBLY,
“SATURDAY, A. M., February 22d, 1777.

“The House resumed the consideration of the petition from Robert Burton, Leatherberry Barker, William Bagwell, and

“William Milby, inhabitants of this State, now prisoners in the goal of Philadelphia, and thereupon

“*Ordered*, That the same be referred to the President and Commander-in-Chief, who is requested to write to the Council of Safety of Pennsylvania to permit the petitioners to be brought into this State, as well as any other subject of this State who may be now confined, by their order, for any State offence, except against the State of Pennsylvania, to be dealt with according to law.”

“IN THE HOUSE OF ASSEMBLY,
“FRIDAY, P. M., February 21st, 1777.

“The report of the Committee on Publick Accounts was, by order, read the 2d time and agreed to except the 4th article thereof, which was recommitted to the same committee.”

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The committee appointed to confer with a committee of the House of Assembly respecting the 1st amendment proposed by the Council to the bill entitled “An act to render parts of divers acts of Assembly and certain law proceedings more conformable to the present Constitution,” now report that they had met the committee of conferees and agreed on certain amendments necessary to be made in the said bill, and that they had delivered the same bill to the committee, that the amendments agreed to might be made in the House of Assembly, which this House approves.

A member from the House of Assembly, attending at the door was admitted and returned the bill aforesaid with the concurrence of the House to the amendments made and agreed to by the committee of conferees.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the bill entitled "An act for printing and emitting £15,000 in Bills of Credit of this State to be let out on loan, and for striking the further sum of £10,000 in such bills for the use of this State and for providing a fund for sinking the same," with divers amendments thereto proposed, for the consideration and concurrence of Council.

Also, the following resolution, to wit :

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, P. M., February 22, 1777.

"*Resolved*, That the President, or Commander-in-Chief, be "impowered to draw on the Trustees of the Loan Office for this "State, or any of them, for such sums as have been agreed by "the General Assembly to be due to any person or persons upon "the reports of the committee on accounts liquidated, he taking "receipts for said draughts, out of the sum of £10,000 to be "struck and given for the defence and use of this State in pursu- "ance of an act, passed this session, entitled 'An act for printing "and emitting £15,000 in Bills of Credit of this State to be let "out on loan, and for striking the further sum of £10,000 in "such bills for the use of this State and for providing a fund for "sinking the same.' "

The Council took into consideration the amendments proposed by them to the House of Assembly to the bill entitled "An act to punish treasons and disaffected persons, &c.," and the amendment proposed to the 14th amendment, and do adhere to the same ; as to the amendments proposed concurred in.

On motion,

Ordered, That a committee be appointed to draw up a message to the House of Assembly assigning the reasons for adhering to their amendments proposed to the bill aforesaid, and Messrs. Sykes and Bassett were appointed for the purpose. •

The committee appointed to draw up a message to the House of Assembly laid one on the table, which was read, and, after some amendments made, transcribed and signed by the Speaker, and is as follows, to wit :

Gentlemen :

The Council have reconsidered the several amendments proposed by them to the bill entitled "An act to punish treasons and disaffected persons, and for the security of the Government," and not agreed to by the House of Assembly, and do adhere to them severally for the following reasons, that is to say :

As to their 5th amendment, for that the word High, proposed to be struck out in the amendment, is not used in the Statute of 25th of Edward the 3d, stiled the Statute of Treason in Great Britain, the form whereof is evidently made the basis of the present clause, and justly so, as that statute hath been esteemed a good and equitable law between the governor and governed, and the construction thereof clearly ascertained.

As to their 7th amendment, for that it tends to take off the dangerous consequences attending the misconstruction of words or expressions used in common conversation, and preserves freedom of speech and privilege of freemen, whereas the clause to which this amendment is proposed, in the opinion of the Council, will encourage a race of informers, the pest of society, and who always were the engines of tyrants in every State. It is to be hoped that the just cause in which all America is embarked is not to be injured by the speeches of rash, foolish or wicked individuals, or at least they are not to be so much apprehended as the effects of so dangerous a precedent in the infancy of our Government.

The 8th amendment is adhered to as a consequence of the 7th.

As to their 11th amendment, for that, they are of opinion, an increase of the fine and time of imprisonment would equally tend to prevent a breach of the law, and the execution thereof by no means be so disagreeable to humanity. It is frequently found, by experience, that ignominious and disgraceful punishment hardens more offenders than they reclaim.

As to their 13th amendment, because they do conceive that the oath or teste prescribed in the system of government, and recited in this clause, contains, in substance, the whole of the additional teste proposed in the bill, and the Council apprehend it would be wrong, without some evident necessity, thus early to add or

diminish from that form held out to the people, more especially as the teste prescribed in the system of government, and no other, was taken by the members of the General Assembly, who are in the first department in the State, with whom the people have intrusted their lives, liberties and properties. The Council therefore cannot think it necessary that those persons who are to fill the inferior departments should be obliged to take any other.

These reasons weigh strongly with the Council. Many others might be adduced ; but they flatter themselves that when the House of Assembly review the parts of the bill particularly objected to they will adopt the amendments proposed by the Council.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolutions, to wit :

“ IN THE HOUSE OF ASSEMBLY,
“ SATURDAY, P. M., February 22d, 1777.

“ The House took into consideration the state of the Fort on
“ Xtiana River, in the Borough of Wilmington, together with the
“ publick powder and other military stores kept in the magazines
“ in the said fort, and, on motion,

“ *Resolved*, That the said fort, together with the powder and
“ other military stores be put under the command and care of a
“ Fort Major, two Sergeants and twelve privates, to be immedi-
“ ately raised, paid and supported at the expense of the State,
“ until discharged by the General Assembly thereof.

“ That the pay of the said troops per kalender month be as follows :

“ To { Fort Major, 18 dollars.
“ { Each Sergeant, 8 dollars.
“ { “ Private, 5 “

“ That in lieu of rations, each person be allowed 10s. per week
“ for his subsistence, and the commanding officer to have double
“ that sum.

“ *Resolved*, That Capt. Ralph Walker, of the Borough of Wil-
“ mington, be appointed Fort Major (instead of Mr. Charles West,

“late Fort Major, who is rendered incapable of that office), and
“that he be commissioned by the President and Commander-in-
“Chief accordingly ; which said Fort Major shall forthwith inlist
“the number of persons above mentioned, who, from the time
“of inlistment, shall receive the pay and subsistence aforesaid.

“*Resolved*, That the said Fort Major take under his care and
“direction any fire-rafts that may be built or brought into this
“State, and be subject to the command of the President or Com-
“mander-in-Chief.”

On motion,

Ordered, That Mr. Wiltbank wait on the House of Assembly
with the following papers, to wit :

The bill entitled “An act to punish treasons, &c.,” and mes-
sage assigning the reasons of Council for adhering to the amend-
ments proposed to the said bill ;

The bill entitled “An act to render divers acts of Assembly,
&c., more conformable to the present Constitution ;”

The report of the Committee on Publick Accounts, with the
concurrence of Council ;

The resolutions of the House of Assembly respecting the ap-
pointment of a Fort Major, and concurrence of Council thereto ;

The resolutions on Col. Jones’s petition respecting salt works,
with the further amendments proposed by Council ;

The resolution empowering the President to issue his procla-
mation for continuing officers, with concurrence of Council ;

The resolution upon the petition of Robert Burton and others,
with concurrence of Council.

A member from the House of Assembly, attending at the door,
was admitted and returned to the Chair the report of the com-
mittee on Capt. Skillington’s account, and resolution of Council
thereon, with the concurrence of the House of Assembly, and
appointment of David Finney, Esq., and Col. George Latimer
a Committee for the County of New Castle ; Messrs. John Prior

and French Battle for the County of Kent, and Isaac Horsey, Esq'r, and Mr. John Tenant for the County of Sussex, for the service therein proposed.

[Vide the report for persons appointed on the part of Council, and enter it.]*

Also, the resolutions respecting salt works, with concurrence of the House of Assembly to the amendment last proposed by the Council to the 4th resolution instead of the amendment proposed by the House of Assembly, which being made, the said resolutions are as follows, to wit :

“Resolved, 1. That the sum of one thousand pounds be let
“by this State upon loan to the said Col. John Jones (the better
“to enable him to carry into execution his intention of erecting
“salt works in this State, at or near Indian River, in Sussex
“County,), he, the said John Jones, giving bond, with sufficient
“sureties, for the payment of that sum at the expiration of five
“years from the date of said bond.

“2. That for the further encouraging the said Col. Jones in
“prosecuting his intentions and erecting said works for manu-
“facturing the useful article of salt, this State should engage to
“purchase or take of him the quantity of ten thousand bushels
“of salt, at the rate of five shillings per bushel, annually for the
“space or term of five years, in consideration of which,

“Resolved, 3. That the said Col. John Jones ought to engage
“and bind himself, his executors and administrators, to deliver,
“for the use of this State, to such person or persons as the
“President shall appoint, all the salt that by him shall be manu-
“factured or made therein (at the place where the salt works
“shall be erected), for the space or term of five years aforesaid,
“at the rate of five shillings per bushel, so that the quantity in
“any one year during that term does not exceed ten thousand
“bushels; and that he should be bound and obliged to deliver,
“in each and every year during the term aforesaid, at the manu-
“factory aforesaid, for the use of this State, the quantity of three
“thousand bushels of salt, manufactured therein at the rate afore-
“said.

*This report does not appear on the record.

“ 4. That upon the said Col. John Jones complying with the conditions herein before expressed to be by him entered into and performed, that he, the said Col. John Jones, his executors, administrators and assigns, ought to have the exclusive right of making salt in this State for sale for and during the last four years of the term aforesaid; and that he may dispose of and sell to such person or persons as he pleases, and at such prices as he can get, all the overplus salt he shall make after furnishing the State with the aforesaid quantity of ten thousand bushels annually for the term of five years aforesaid.

“ 5. That the said sum of one thousand pounds be drawn for by the President out of the ten thousand pounds granted by the present General Assembly for the use of the State, under whose direction the bond aforesaid from the said John Jones and his sureties shall be taken, with the further condition that the same shall be payable at the end of any one year during which the said John Jones shall fail to supply the aforesaid quantity of three thousand bushels of salt.

“ 6. That if the said John Jones shall neglect to make application for the said draught, or to execute his bond on or before the 20th day of April next, that the encouragement proposed to be given to him shall cease.”

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following acts and resolutions of the House of Assembly, to affix the Great Seal to the same, to wit :

“ IN ASSEMBLY, February 22d, 1777, P. M.

“ On motion,

“ *Resolved*, That the President and Commander-in-Chief affix the Great Seal of this State to the following laws, to wit :

“ 1. ‘An act for supporting and establishing certain Bills of Credit issued by the Congress of the United States of America, and to prevent the counterfeiting of the same and certain lottery tickets issued by their authority, certificates of the Continental Loan Office, and other bills of credit ;’

“ 2. ‘An act for aiding the discontinuance of the process in the Supreme Court, and for altering the times of holding the

“said court and also the Courts of Quarter Sessions of the Peace
“and Goal Delivery and Courts of Common Pleas ;’

“3. ‘An act for printing and emitting £15,000 in Bills of
“Credit of this State to be let out on loan, and for striking the
“further sum of £10,000 in such bills for the use of this State,
“and for providing a fund for sinking the same ;’

“4. ‘An act for the recovery of a sum of money due from
“Boaz Manlove, of the County of Sussex, to the Delaware
“State ;’

“5. ‘An act for establishing a Militia in this State ;’

“6. ‘An act for ascertaining the salaries and allowances to
“the officers and persons herein mentioned employed in the
“Government of this State and for the providing a fund for the
“payment thereof ;’

“7. ‘An act to render parts of divers acts of Assembly and
“certain law proceedings more conformable to the present Con-
“stitution ;’

“8. ‘An act against desertion and harbouring deserters, or
“dealing with them in certain cases.’ ”

The House took into consideration the report of the Committee on Publick Accounts, and divers amendments being proposed to the 1st report and agreed to, the same were transcribed.

Ordered, That Mr. Vandyke wait on the House of the Assembly with the said amendments and following papers, to wit :

1st and 2d report of Committee on Public Accounts, with the papers therein referred to ;

The resolutions of the House of Assembly requesting the Speakers of both Houses to write to General Washington, with the amendments thereto proposed and papers therein referred to ;

The resolutions of the House of Assembly empowering the President to draw for the sums appropriated by the General Assembly, with the concurrence of Council.

Mr. Vandyke, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the report of the committee for adjusting the accounts of the officers and privates of the 2d Delaware Battalion, with the amendments proposed, and David Finney, George Latimer, and John Thompson are appointed a committee for the County of New Castle ; John Prior and French Battle for the County of Kent, and Isaac Horsey and John Tenant for the County of Sussex, for the service aforesaid.

The House proceeded to the choice of 2 Privy Counsellors, when it appeared that Thos. McDonough and George Latimer were duly elected.

On motion,

Ordered, That a certificate of the appointment aforesaid be drawn up and sent to the House of Assembly for their concurrence, which was done, and is as follows, to wit :*

Ordered, That the bills passed this session be signed by the Speaker and returned to the House of Assembly.

Ordered, That Mr. Wiltbank wait on the House of Assembly with the said bills and certificate, also the report of the Committee for Publick Accounts.

Mr. Wiltbank reported that he had waited on the House of Assembly according to order.

A member from the House of Assembly, attending at the door, was admitted and returned the resolutions of that House requesting the Speakers of both Houses to write to General Washington, with the amendments thereto proposed. As to the 1st and 2d, acceded to ; as to the rest, propose an amendment,

Which was agreed to.

Also, the following resolution, to wit :

“ IN THE HOUSE OF ASSEMBLY,
“ SATURDAY, P. M., February 22d, 1777.

“ *Resolved*, That the Council be informed that this House,
“ apprehending the business before the General Assembly may

* The certificate was left out by the Clerk.

“be brought to a conclusion to-day, propose to adjourn to Monday, the 2d June next.”

A member from the House of Assembly, attending at the door, was admitted and delivered the amendments proposed by the House of Assembly to the amendments proposed by the Council to the resolution directing the Speakers of both Houses to write to General Washington.

Also the following verbal message, to wit :

“VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY TO
“ THE COUNCIL.

“The House has ordered the Speaker to sign any draught that may be presented by the Speaker of Council for the payment of the expenses of the session.”

On motion,

Ordered, That the following verbal message be transcribed, signed by the Speaker, and sent to the House of Assembly, to wit :

Gentlemen :

The Council have been so engaged*

Ordered, That Mr. Vandyke wait on the House of Assembly with the following papers, to wit :

The resolutions of the House of Assembly respecting salt works, and resolutions requesting the Speakers of both Houses to write to General Washington, as amended ;

Letters from the President of Congress, inclosing sundry resolutions respecting Continental currency, and requesting an immediate representation from this State in Congress ;

The report of the committee on Capt. Skillington's account, with concurrence of Council, and appointment of John Thompson, Esq., for the County of New Castle ; John Cook, Esq., for the County of Kent, and William Polk, Esq., for the County of Sussex, on the part of this House for the purpose aforesaid.

* The above is just as it is in the original.

Mr. Vandyke reported that he had waited on the House of Assembly according to order.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill to punish treasons and disaffected persons, &c., with the amendments proposed by this House, to all of which the House of Assembly agreed.

Also, delivered the following verbal message, to wit :

A VERBAL MESSAGE TO THE COUNCIL FROM THE ASSEMBLY.

Gentlemen :

The Assembly are so straitened *

The bill to punish treasons, &c., as amended, was read and compared at the table. Agreed that the same be enacted into a law.

Ordered, That the Speaker subscribe the same, which was done accordingly.

Ordered, That Mr. Bassett wait on the House of Assembly with the said bill as signed by the Speaker.

A member from the House of Assembly, attending at the door, was admitted and returned the certificate, &c., of the appointment of the Delegates to Congress, with their concurrence.

The Council took into consideration their expenses this session, and thereupon

<i>Resolved</i> , That there be paid to the members of Council :	
For New Castle County, for personal expenses by	
· them incurred, to wit : 3 members, 42 days, . . .	£ 74 17 9
To the members of Kent County, for same, ...	78 17 9
To the members of Sussex County, for same, . . .	82 17 9
To Slator Clay, Clerk of Council, for 40 days' attend-	
ance, &c., @ 7s. 6, ...	20 17 6
<i>Carried over</i> , ...	£257 10 9

* The above is according to the manuscript record.

<i>Brought over,</i>	£257	10	9
To Jas. Firth, Messenger to Sussex, ...	2	10	0
To Robert McIlheron, the same to camp, ...	10	0	0
To Robert Booth, Messenger to summon witnesses, .	1	13	0
	£271	13	9

Ordered, That the same be transcribed and sent to the House of Assembly for concurrence, which was done accordingly.

Then the Council adjourned to the 6th day of June next.

MINUTES OF COUNCIL.

MAY, 1777.

MINUTES OF THE COUNCIL OF THE DELAWARE STATE.

NEW-CASTLE-ON-DELAWARE,

THURSDAY, May 1st, 1777.

Council met in pursuance of a summons from his Excellency John McKinley, Esquire, President and Commander-in-Chief.

A quorum of members not having attended, adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., May 2d, 1777.

Council met.

It appears by the returns of the Sheriffs and Inspectors of the Counties of Kent and Sussex that, pursuant to a writ from the Speaker, an election was held on the 25th April last, at the usual places of election, for the choice of members of Council in the room of William Polk and John Wiltbank, Esquires, who are appointed Justices of the Court of Common Pleas and Orphans'

Court for the County of Sussex, and James Sykes, Esquire, who is appointed one of the Justices of the Supreme Court of this State, when the following gentlemen were chosen, to wit :

FOR THE COUNTY OF SUSSEX,

John Jones,
Samuel Shelton Sloss.

FOR THE COUNTY OF KENT,

John Baning.

Adjourned till to-morrow morning.

SATURDAY, A. M., May 3d.

Council met.

A member from the House of Assembly delivered the following message from his Excellency the President to the General Assembly, to wit :

A MESSAGE FROM THE PRESIDENT TO THE GENERAL ASSEMBLY.

“ Gentlemen :

“ I herewith send you sundry resolutions of Congress of the
“ 14th ultimo, recommending measures to the Legislatures of
“ each of the United States for the more speedy furnishing their
“ several quotas of troops, together with a circular letter addressed from the President thereof to the Assembly of this
“ State, both of which were transmitted to me on the 19th following ; and Congress deeming it necessary that the several
“ Legislatures should cause those measures to be put in execu-

“tion before the 15th day of this month, I have thought it my
“duty, with the advice of the Privy Council, to call you together
“at this time.”

Adjourned till Monday morning.

MONDAY, A. M., May 5th.

Council met.

A quorum of members not attending, all business was postponed till Wednesday.

WEDNESDAY, A. M., May 7th.

Council met. Present—All the members except Messrs. Cantwell, Jones, Sloss, and Dingee.

Mr. Baning took and subscribed the oath and declaration as prescribed by the Constitution.*

* The oath, &c., here mentioned, are given in the “Qualification Book,” with the signature of the member thereto, as follows:

I [A. B.] will bear true allegiance to the Delaware State, submit to its Constitution and Laws, and do no act, wittingly, whereby the freedom thereof may be prejudiced.

I [A. B.] do profess faith in God the Father, and in Jesus Christ his only Son, and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration.

JOHN BANING.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolution of that House, to wit :

“ IN THE HOUSE OF ASSEMBLY,
“ WEDNESDAY, A. M., May 7th, 1777.

“ *Resolved*, That no officer, or other person (not being there-
“ unto particularly authorized by Congress, or his Excellency
“ General Washington, in pursuance of a resolve of Congress),
“ shall be permitted to enlist any recruit within this State for any
“ other State until the quota of troops of this State is completed.”

Which, being read, was ordered to lie on the table for consideration.

Adjourned till 3 o'clock, P. M.

EODEM, DIE, P. M.

Council met.

The resolution of the House of Assembly under consideration in the forenoon was read the second time and concurred in.

Ordered, That Mr. Bassett wait on the House of Assembly with the resolution aforesaid and concurrence of Council thereto.

Mr. Vandyke prayed leave of absence till to-morrow afternoon. The same was granted.

Mr. Bassett, being returned, reported that he had waited on the House of Assembly according to order.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., May 8th.

Council met.

Mr. Cantwell, a member of this House, appeared and took his seat.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled

“An act for the more speedily completing the quota of troops to be raised in this State for the Continental army,”

Which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Speaker being indisposed, adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., May 9th.

Council met, and resumed the consideration of the bill “for the more speedily completing the quota of troops to be raised in this State for the Continental army,” which was read the second time, and, after some time spent therein, was postponed till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The bill under consideration in the forenoon was taken up, and divers amendments being proposed and agreed to, the same were transcribed and sent to the House of Assembly for their concurrence.

Ordered, That Mr. Collins wait on the House of Assembly with the said bill and amendments thereto proposed for their consideration and concurrence.

Mr. Collins, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a bill entitled

“An act for the holding the General Assembly at Dover, in the County of Kent.”

By order read the first time.

Also, sundry resolutions of that House, to wit :

“IN THE HOUSE OF ASSEMBLY,

“FRIDAY, A. M., May 9th, 1777.

“*Resolved unanimously*, That it is a daring invasion of the
“rights and liberties of the people of this State for any person or
“persons to impress any of the inhabitants thereof, or persons
“therein residing, either into the sea or land service of the United
“States of America, or any of them, under colour of authority
“derived from any State, or man, or body of men whatever, ex-
“cept the Legislature of this State.

“*Resolved unanimously*, That the President and Commander-
“in-Chief be requested to cause to be apprehended and prose-
“cuted, according to law, any person or persons who shall pre-
“sume to violate the above resolution, and, if necessary, that the
“Militia be called in to support the civil authority in apprehend-
“ing such offenders.”

Which, by order, was read the first time.

The Speaker laid before the Council a letter received by him in the late recess of the General Assembly from the Honorable John Hancock, Esquire, President of Congress, inclosing an attested copy of the Declaration of Independency of the Thirteen United States of America, with the names of the Members of Congress subscribing the same.

And the same being read by order,

Resolved unanimously, That for the better preserving the said act of independency and as a lasting testimony of the approbation thereof by the representatives of the people of this State in General Assembly met, the same be entered at large on the minutes of the respective Houses of this present General Assembly, and afterwards lodged in the rolls office among the laws and other publick acts of this State.

IN CONGRESS, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED
STATES OF AMERICA.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident—That all men are created equal ; that they are endowed by their Creator with certain unalienable rights ; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed ; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient

causes ; and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies ; and such is now the necessity which constrains them to alter their former system of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation, till his assent should be obtained ; and when so suspended, he has utterly neglected to attend to them. He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused for a long time after such dissolutions, to cause others to be elected ; whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise, the state remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States ; for that purpose obstructing the laws for naturalization of foreigners ; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws ; giving his assent to their acts of pretended legislation :

For quartering large bodies of armed troops among us.

For protecting them by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States :

For cutting off our trade with all parts of the world :

For imposing taxes on us without our consent :

For depriving us, in many cases, of the benefits of trial by jury :

For transporting us beyond seas to be tried for pretended offences :

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies :

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments :

For suspending our own legislatures, and declaring themselves invested with the power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the world, for the recitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies, are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain, is, and ought to be, totally dissolved; and that as free and independent States they have full power to levy war, con-

clude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor.

The foregoing declaration was, by order of Congress, engrossed, and signed by the following members :

JOHN HANCOCK.

NEW HAMPSHIRE.

JOSIAH BARTLETT,
WILLIAM WHIPPLE,

MATTHEW THORNTON.

MASSACHUSETTS BAY.

SAMUEL ADAMS,
JOHN ADAMS,

ROBERT TREAT PAINE,
ELBRIDGE GERRY.

RHODE ISLAND, &c.

STEPHEN HOPKINS,

WILLIAM ELLERY.

CONNECTICUT.

ROGER SHERMAN,
SAMUEL HUNTINGTON,

WILLIAM WILLIAMS,
OLIVER WOLCOTT

NEW YORK.

WILLIAM FLOYD,
PHILIP LIVINGSTON,

FRANCIS LEWIS,
LEWIS MORRIS.

NEW JERSEY.

RICHARD STOCKTON,
JOHN WITHERSPOON,
FRANCIS HOPKINSON,

JOHN HART,
ABRAHAM CLARK.

PENNSYLVANIA.

ROBERT MORRIS,
BENJAMIN RUSH,
BENJAMIN FRANKLIN,
JOHN MORTON,
GEORGE CLYMER,

JAMES SMITH,
GEORGE TAYLOR,
JAMES WILSON,
GEORGE ROSS.

DELAWARE.

CÆSAR RODNEY,
GEORGE READ,

THOMAS M'KEAN.

MARYLAND.

SAMUEL CHASE,
WILLIAM PACA,

THOMAS STONE,
CHAS. CARROLL, of
Carrollton.

VIRGINIA.

GEORGE WYTHE,
RICHARD HENRY LEE,
THOMAS JEFFERSON,
BENJAMIN HARRISON,

THOMAS NELSON, JR.,
FRANCIS LIGHTFOOT LEE,
CARTER BRAXTON.

NORTH CAROLINA.

WILLIAM HOOPER,
JOSEPH HEWES,

JOHN PENN.

SOUTH CAROLINA.

EDWARD RUTLEDGE,
THOMAS HEYWARD,

THOMAS LYNCH, JR.,
ARTHUR MIDDLETON.

GEORGIA.

BUTTON GWINNETT,
LYMAN HALL,

GEORGE WALTON.

Ordered, That Mr. Bassett wait on the House of Assembly with the letter from the President of Congress and the attested copy of the Act of Independence, together with the foregoing resolution for their approbation and concurrence.

Mr. Bassett, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill entitled "An act for the more speedily completing the quota of troops, &c.," with the amendments proposed by this House to the said bill, to all of which the House of Assembly agreed except the 1st, 2d, 3d and 4th, and request that a committee of Council may be appointed to confer with a committee of the House of Assembly upon the said amendments not acceded to.

And the said proposal for a committee of conference being taken into consideration, Mr. Bassett, Mr. Cantwell, and Mr. Collins are appointed on the part of this House for that purpose.

Mr. Collins, a member of this House, and one of the commissioners appointed by the President and Council of this State to meet commissioners appointed by the States of New York, New Jersey, Pennsylvania, Maryland, and Virginia, at York town, in Pennsylvania, in pursuance of a resolve of Congress, for the purpose of considering and forming a system adapted to the said States for regulating the price of labour, of manufactures, and of internal produce within those States, and of goods imported from foreign parts, except military stores, laid a copy of the proceedings of the said commissioners before the Council.

On motion and order the same was read.

Ordered, That the same be sent to the House of Assembly for their perusal, and that Mr. Collins deliver the same.

Mr. Collins, being returned, reported that he had waited on the House of Assembly according to order.

On motion, by special order,

The resolutions of the House of Assembly were read the second time and concurred in.

Ordered, That Mr. Bassett wait on the House of Assembly with the said resolutions and concurrence of Council thereto.

Who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

Ordered, That the following verbal message be transcribed, signed by the Speaker, and sent to the House of Assembly, to wit :

VERBAL MESSAGE TO THE HOUSE OF ASSEMBLY FROM THE
COUNCIL.

Gentlemen :

The Council have acceded to your proposal for a conference, by committees to be appointed by both Houses, on the subject matter of the four first amendments proposed by the Council to

the bill for the more speedily completing the quota of troops to be raised in this State for the Continental army, and have appointed Messrs. Cantwell, Bassett, and Collins, on the part of the Council, a committee for the purpose aforesaid.

Ordered, That Mr. Bassett wait on the House of Assembly with the the forgoing message.

Who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a verbal message appointing Messrs. Ridgely, Finney, and Clowes, on the part of that House, a committee of conference respecting the amendments not acceded to.

Which, by order, was read.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., May 10th.

Council met.

Mr. Vandyke appeared and took his seat.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair

“A supplement to an act entitled ‘An act for regulating inn-holders, tavern-keepers, and other publick house keepers within this Government, and empowering the Justices to settle the rates of liquors.’”

Also returned the resolution of this House as to the Act of Independency of the United States of America.

On motion, by order,

The "Supplement to an act entitled 'An act for regulating inn-holders, tavern-keepers, and other publick house keepers within this Government, &c.,'" was read the first time and ordered to lie on the table for consideration.

The Council took into consideration their 1st, 2d, 3d and 4th amendments proposed by them to the bill entitled "An act for the more speedily completing the quota of troops to be raised, &c.," and do recede from the same.

On motion,

Ordered, That a committee be appointed to draw up a message to the House of Assembly assigning the reasons for proposing said amendments, and Messrs. Vandyke, Bassett, and Cantwell were appointed a committee for that purpose.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The committee appointed to draw up a message to the House of Assembly laid one on the table, which was read, and, after some amendments made, was transcribed and signed by the Speaker, and is as follows, to wit :

A MESSAGE FROM THE COUNCIL TO THE ASSEMBLY.

Gentlemen :

As the committee of conferees appointed by the two Houses on the subject matter of the four first amendments proposed by the Council to the bill for the more speedily completing the quota of troops to be raised in this State for the Continental army have come to no determination thereon, and the advantage which might arise to the United States by the filling up said quota of

troops must be totally lost should no mode to effect the same be adopted by the General Assembly at their present sitting, the Council think it necessary to recede from their said proposed amendments ; but at the same time, in justice to themselves, deem it their duty to inform your honorable House of the reasons which induced them to propose said amendments, and which still strongly impress their minds, to wit :

That the exemptions from all service in the Militia on a recruit being procured by any two persons will induce many to offer considerable sums in addition to the bounty allowed by Congress, which will effectually put an end to the enlistment of men by any commissioned officer of said battalion, except for such who may wish to purchase exemptions.

That such exemptions will tend to discourage the Militia, as the procuring recruits in that mode can only be adopted by those who may be in easy circumstances. This will occasion dissatisfaction and murmuring among others who are not so fortunate as to be able to take advantage thereof.

That every step having a tendency to discourage the bulk of the people, or lessen their confidence in a number of their fellow-citizens, ought to be carefully avoided, as the success of the present righteous struggle chiefly depends on unanimity and confidence being supported among all ranks of people. The mode prescribed in the bill may, for many reasons, not be so injurious in a large and populous State. Our case is different. We have a long and extended frontier and few to guard it. Every exertion must be made to spirit up that few. The numbers are such that they will not bear much diminution, particularly of those of whom most may be expected.

That if a number of suitable persons in this State, in addition to the officers of the Delaware Battalion, were authorized to recruit and a bounty given to them, with a further allowance for the subsistence of recruits, the quota of troops for this State might be made up, and a defection in the Militia not risqued.

Ordered, That Mr. Baning wait on the House of Assembly with the bill and forgoing message.

Who, being returned, reported that he had waited on the House of Assembly according to order.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair

“A supplement to the act entitled ‘An act for establishing a Militia in this State,’ ”

Which, by order, was read the first time.

On motion, by special order,

The supplement to the act entitled “An act for establishing a Militia in this State,” was read the 2d time, and, after some time spent therein, was agreed to.

Ordered, That Mr. Baning wait on the House of Assembly with the bill.

Who, being returned, reported that he had delivered the bill according to order.

On motion, by special order,

The bill entitled “An act for holding the General Assembly at Dover, in the County of Kent,” was read the 2d time, and an amendment being proposed the same was transcribed and sent to the House of Assembly for their concurrence.

The supplement to an act entitled “An act for regulating inn-holders, tavern-keepers, and other publick house keepers within this Government,” was read the 2d time and concurred in.

Ordered, That Mr. Vandyke wait on the House of the Assembly with the two foregoing bills and amendment proposed to the former.

Mr. Vandyke, being returned, reported that he had waited on the House of Assembly according to order.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled

“An act for the holding the General Assembly at Dover, in the County of Kent,”

With the amendment thereto proposed, to which the House of Assembly agreed.

The Council consent that the said bill be enacted into a law.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a message from the President to the General Assembly, inclosing sundry resolutions of Congress, to wit :

“ Gentlemen :

“ I herewith send you some resolutions of the Honorable Congress of the 19th ultimo, transmitted to me by the President, recommending measures to the Legislative and Executive authorities of this State and the State of Maryland to avert the imminent danger of an insurrection in the Counties of Somerset and Worcester, in the State of Maryland, and to prevent their being joined by disaffected persons in the County of Sussex, in this State, and to enact laws appointing commissioners to take charge of the estates of such as may be removed. In consequence whereof, with the advice of the Privy Council, I wrote to some principal gentlemen in the County of Sussex and to the commanding officers of the Militia adjacent to Worcester County, desiring them respectively to make the most speedy and strict inquiries respecting the danger apprehended from Sussex County, and that they would, as soon after as possible, let me know the result. In answer to which, I have been informed by those gentlemen severally that the inhabitants of that county are very quiet, and that they imagined the suspicion as to them was not well founded, save one of the gentlemen, who refers me to be informed by Mr. John Clowes, a member of the House of Assembly, with whom I have had an opportunity to converse on that subject, but from whom you can much better immediately receive that information.”

Also, sundry resolutions of the House of Assembly, founded upon the report of their committee to whom were referred the foregoing message and its inclosures.

Also, a verbal message informing the Council that the House of Assembly propose to adjourn to-morrow morning till the 2d June next.

On motion,

Ordered, That the resolutions of the honorable House of Assembly, founded on the message of his Excellency the President

and sent to the Council, be referred to a committee of two to report thereon.

And Messrs. Vandyke and Bassett are appointed a committee for that purpose.

Adjourned till Monday morning, 10 o'clock.

MONDAY, May 12th, 1777.

Council met.

Mr. Dingee, a member of this House, appeared and took his seat, and assigned his reason for not attending sooner, which was deemed sufficient.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the two following engrossed bills for the examination of Council, to wit :

The bill entitled "An act for the more speedily completing the quota of troops to be raised in this State for the Continental army."

Also, a supplement to the act entitled "An act for establishing a Militia in this State."

Which, being severally examined and compared, the Council consent that the said bills be enacted into laws.

Ordered, That Mr. Vandyke wait on the House of Assembly with the said bills.

Who, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

The committee appointed to consider the resolutions of the honorable House of Assembly, founded on the message of his Excellency the President, have taken the same into consideration

and beg leave to report the following resolutions to be adopted instead thereof : *

And the said resolutions reported by the committee of Council being read and considered, were agreed to be adopted in the stead of the resolutions sent from the House of Assembly, and ordered to be sent to that House for their consideration and concurrence.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following resolution of that House, to wit :

“ IN THE HOUSE OF ASSEMBLY,
“ MONDAY, A. M., May 12th, 1777.

“ On motion,

“ *Resolved*, That this House will, before dinner, adjourn to the
“ 2d day of June next.”

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the resolutions reported by the committee of Council and agreed to be adopted in the stead of the resolutions of the House of Assembly, founded on the President's message, with divers amendments thereto proposed, which were concurred in, to wit : †

Also, the following bills passed this session, to wit :

“ An act for the holding the General Assembly at Dover, in the County of Kent ;”

“ A supplement to an act entitled ‘ An act for regulating inn-holders, tavern-keepers, and other publick house keepers within this Government, and empowering the Justices to settle the rates of liquors ;’ ”

“ An act for the more speedily completing the quota of troops to be raised in this State for the Continental army ;”

“ A supplement to an act entitled ‘ An act for establishing a Militia in this State ;’ ”

* The Clerk left a blank space for, but neglected to copy these resolves into his journal.

† These amendments do not appear on the manuscript journal.

Which were signed by the Speaker.

Ordered, That Mr. Collins wait on the House of Assembly with the above laws and resolution aforesaid, as amended.

Mr. Collins, being returned, reported that he had waited on the House of Assembly according to the order aforesaid.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a resolution of that House empowering the President to affix the Great Seal of this State to the different bills passed this session.

Which was concurred in.

Ordered, That the above resolution be signed by the Speaker and returned to the House of Assembly.

And Mr. Vandyke was appointed for that purpose, who, being returned, reported that he had waited on the House of Assembly according to order.

Then the Council took into consideration the state of their expenses, and they find

New Castle County's quota		£ 24 7 11
Kent County's	"	24 7 11
Sussex County's	"	24 7 11

Adjourned till 2d June.

MINUTES OF COUNCIL.

JUNE, 1777.

MINUTES OF THE COUNCIL OF THE DELAWARE STATE.

NEW-CASTLE-ON-DELAWARE,
MONDAY, June 2d, 1777.

Council met according to adjournment.

A quorum of members not attending, adjourned till to-morrow morning, 10 o'clock.

TUESDAY, June 3d.

Council met. Present all the members, except Mr. Vandyke.

Messrs. Sloss and Jones, being elected in the stead of William Polk and John Wiltbank, Esquires, who were appointed Justices of the Court of Common Pleas and Orphans' Court in Sussex County, took and subscribed the oath and declaration as prescribed by the Constitution.*

* The oath, &c., here mentioned, are given in the "Qualification Book," with the signature of the members thereto.

I [A. B.] will bear true allegiance to the Delaware State, submit to its Constitution and Laws, and do no act, wittingly, whereby the freedom thereof may be prejudiced.

I [A. B.] do profess faith in God the Father, and in Jesus Christ his only Son,

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolutions of that House, to wit :

“ IN THE HOUSE OF ASSEMBLY,
“ TUESDAY, P. M., June 3d, 1777.

“ On motion,

“ *Resolved*, That this House propose to put in nomination, to-morrow afternoon, persons qualified to be Judges of the Supreme Court for this State, in the room of Richard M. William and Cæsar Rodney, Esquires, elected on the 21st day of February last first and second Justices of the said Court, who have declined accepting of the same offices ; and James Sykes, Esquire, elected, at the same time, third Justice thereof, he having since that time accepted of the Clerkship of the Courts of Common Pleas and Quarter Sessions for the County of Kent, and thereby being rendered incapable of holding the said office ; and also for the office of Judge of the Admiralty, in stead of Nicholas Vandyke, Esquire, who was elected thereto on the aforesaid day, and hath since declined to accept thereof ; and that the Council be requested to concur herein.”

Which, by order, was read the first time.

On motion, by special order, the same was read the 2d time and concurred in.

Ordered, That Mr. Bassett wait on the House of Assembly with the resolution aforesaid and concurrence of Council thereto.

Who, being returned, reported that he had waited on the House of Assembly according to order.

Ordered, That a certified copy of the above resolution be delivered to his Excellency the President.

Adjourned till to-morrow.

and in the Holy Ghost, one God, blessed for evermore ; and I do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration.

SAMUEL SHELTON SLOSS.
JOHN JONES.

WEDNESDAY, P. M., June 4th.

Council met.

A committee from the House of Assembly, attending at the door, were admitted and informed the Council that the House of Assembly is now ready to proceed to the nomination of Justices of the Supreme Court and a Judge of the Admiralty, agreeable to the resolution of both Houses.

The Council proceeded to the State House and there met the House of Assembly, when divers persons were put in nomination for the respective offices of Justices of the Supreme Court and Judge of Admiralty for this State, to be balloted for to-morrow at 3 o'clock, P. M.

Ordered, That notice thereof be forthwith given to the President.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled

“An act for aiding the discontinuance of the process in the Courts of Quarter Sessions for the Counties of New Castle and Sussex, &c.”

Which, by order, was read the first time.

On motion,

Ordered, That Col. Jones and Major Sloss be of the Committee for Publick Accounts.

Ordered, That Mr. Bassett wait on the House of Assembly with a copy of the above order.

On application of Col. Collins for leave of absence till to-morrow morning, the same was granted.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, June 5th.

Council met.

Mr. Speaker laid on the table a message from his Excellency the President, together with a certified copy of the report of those persons who were appointed to go into the County of Sussex to make inquiry into the present disposition of the inhabitants thereof, and sundry resolutions of Congress of the 29th of April and the 12th and 19th of May last ; which message is as follows, to wit :

“ *Gentlemen :*

“ In pursuance of your resolution of the 12th of last month
“ I, together with the Privy Council, did appoint John Thompson, Thomas Collins, and John Cook, Esquires, to go into the
“ County of Sussex for the purposes in that resolution expressed,
“ in consequence whereof I received, the evening before last, a
“ report, in writing, signed by two of the aforesaid gentlemen ;
“ whereupon I convened the Privy Council yesterday and laid
“ the same before them, and now, with their advice, I herewith
“ send you a copy of that report.

“ Since the last sitting of your honorable Assembly I received
“ some resolves of Congress, to be laid before you. One of
“ those resolutions, of the 29th of April last, recommends the
“ adjustment of the accounts for recruiting the Continental Battalion of this State, that the same may be transmitted to the
“ Treasury Board. Another of those resolutions, of the 12th of
“ May last, recommends to the Legislature to exempt from military duties all persons who are immediately concerned in the
“ business of the post office ; and another of them, of the 19th
“ of the same month, recommends that the Legislature should
“ make provision, by law, for marching the Militia out of this
“ State when the service shall so require it.”

Which, being severally read, were referred for consideration.

The bill for aiding the discontinuance of the process in the

Courts of Quarter Sessions for the Counties of New Castle and Sussex was, upon motion and order, read the 2d time.

Resolved, That the same bill be committed to a committee of three.

The persons chosen, Messrs. Bassett, Jones, and Collins.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The Council, according to the order of the day, met the President of the State and the House of Assembly in the State House, and the President and members of both Houses having prepared tickets with the names of the Justices of the Supreme Court to be appointed for the State and put the same into the ballot-box, the Speakers of the two Houses, in presence of the President and the other members, examined the ballot-box, and it appearing that there was a majority of votes in favor of William Killen, Esquire, as Chief Justice of the said Court, and a majority of votes in favor of John Evans, Esquire, as second Justice of the said Court, and a majority of votes in favor of John Cook, Esq'r, as third Justice of said Court,

Whereupon the said William Killen, John Evans, and John Cook are declared duly elected and appointed Justices of the Supreme Court for the State.

Then the President and members of both Houses proceeded, in like manner, to ballot for a Judge of Admiralty, and it appearing that there was a majority of votes in favor of Cæsar Rodney, Esquire,

Thereupon the said Cæsar Rodney is declared duly elected and appointed Judge of Admiralty.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., June 6th.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a resolution of that House to put in nomination, to-morrow afternoon, persons qualified to be Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, in the room of Thomas Tilton, Esquire, who hath declined accepting of the same office.

Which, by order, was read the 1st time.

The committee to whom the act for aiding the discontinuance of the process in the Courts of General Quarter Sessions of the Peace, &c., in the Counties of New Castle and Sussex, was committed, report sundry amendments thereto, which were agreed to, and ordered to be transcribed and sent to the House of Assembly for their consideration.

The resolution of the House of Assembly respecting the nominating persons qualified to be Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, &c., was read the 2d time, and thereupon

Ordered, That the following verbal message be transcribed, signed by the Speaker, and sent to the House of Assembly, to wit :

A VERBAL MESSAGE FROM THE COUNCIL TO THE ASSEMBLY.

Gentlemen :

The Council beg to know in what way it doth appear to the House of Assembly that Thomas Tilton, Esq., of Kent County, lately elected Chief Justice of the Court of Common Pleas and Orphans' Court for that county, hath declined accepting of the same office, or what evidence the House of Assembly hath of that fact.

Ordered, That Major Sloss wait on the House of Assembly

with the above bill and amendments thereto proposed, also the resolution and verbal message.

Major Sloss reported that he had waited on the House of Assembly according to order.

The Council taking into consideration the resolves of the Honorable the Congress of the 29th of April last relating to the settlement of the accounts for recruiting the Continental Battalion of this State, mentioned in a message from the President of the 5th instant, thereupon

Resolved, That George Latimer and Robert Bryan, Esquires, be a committee to state an account of the monies advanced for recruiting the Continental Battalion belonging to this State, together with the names of the officers to whom the same were advanced, and to transmit the same to the Paymaster of the said battalion.

On motion,

Ordered, That the Paymaster forthwith call the said officers to account for such monies, agreeable to the resolutions of Congress aforesaid.

Ordered also, That the said Paymaster afterwards lay before the said committee a state of the said accounts, together with the vouchers to be produced, for their examination.

Ordered, That Mr. Baning wait on the House of Assembly with a copy of the above resolution and orders, and propose to them the appointment of a committee of the House of Assembly to join the committee of Council in the business aforesaid, if they think proper.

Ordered also, That the said George Latimer and Robert Bryan be appointed a committee to state an account of expenditures by this State for and on behalf of the Continent, in the stead of Messrs. Sykes and Vandyke, the former committee, who are absent, and now discharged from that service.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a resolution of that House appointing Mr. Lockwood and Mr. Horsey a Committee of Accounts for the present year.

Also, a resolution to adjourn to-morrow evening until the thirtieth day of September next.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., June 7th.

Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair the following verbal message, to wit :

“ *Gentlemen :*

“ In answer to your verbal message of yesterday, delivered
“ by Mr. Sloss, begging to know in what way it doth appear to
“ the Assembly that Thomas Tilton, Esquire, hath declined ac-
“ cepting of the office of Chief Justice of the Court of Common
“ Pleas and Orphans’ Court for the County of Kent, or what
“ evidence the House have of that fact, the Assembly inform
“ the Council that two of the members of their House, namely :
“ Messrs. Stout and Cook, gave the House to understand that
“ they had frequently conversed with Mr. Tilton upon the subject
“ of his appointment aforesaid, and requested him to qualify to

“the said commission, and one of them very lately, and that he
“never gave them any reason to believe he intended to qualify
“thereto, and that he had not qualified to the said commission
“when the said members departed from their homes to attend
“this present sitting of the Assembly, which was three months
“after his appointment.”

Also, a resolution appointing John Barclay, Jonathan Robinson, and William Hemphill a committee, on the part of the House of Assembly, to join the committee of Council for stating an account of the monies advanced for recruiting the Continental Battalion belonging to this State, and also in stating an account of expenditures by this State for and on behalf of the Continent, in the room of Messrs. Thompson, Jones, and Robinson, appointed for that service on the 19th of February last, they being engaged in other public business.

A member from the House of Assembly, attending at the door, was admitted and returned the bill entitled

“An act for aiding the discontinuance of the process in the Courts of General Quarter Sessions of the Peace, &c.,”

With the amendments thereto proposed by the Council, to which the House of Assembly agreed.

The Council consent that the said bill be enacted into a law.

Ordered, That Mr. Bassett wait on the House of Assembly with the above bill and its amendments.

Who, being returned, reported that he had waited on the House of Assembly according to order.

The Council took into consideration the verbal message from the House of Assembly respecting the evidence that has appeared of Mr. Tilton's declining to accept of the office of Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent.

On motion,

Ordered, That the same be postponed till it is known whether the House of Assembly will recede from their resolution to adjourn this evening.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the following bill passed this session, to wit :

“An act for aiding the discontinuance of the process in the Court of General Quarter Sessions of the Peace and Goal Delivery in the Counties of New Castle and Sussex, and for other purposes therein mentioned.”

Also delivered the report of the joint committee for settling and adjusting public accounts, to wit :

“The joint committee appointed for settling and adjusting public accounts report that they have examined the accounts of his Excellency John McKinly, Esquire, and there is due to him a balance of £707 : 2 : 9, allowed him, on a former settlement, as Military Treasurer of New Castle County ; and £48, as signer of the late paper currency, and £20, it being the interest of £755 for 3 months and 3 weeks, and sundry other sums advanced by him since, as by his accounts appear, and the further sum of £713 : 11 : 0, together with commissions on £1,113 : 11 : 0, at $2\frac{1}{2}$ per cent., the whole amounting to £1,516 : 10 : 3.

“Your committee do further report, that on examining an account exhibited by John Clowes, Esquire, do find a balance due him of £10 for attending the press when printing money ;

“To Samuel Crossan, on the examination of his account, a balance due to him of £20, which he is entitled to receive upon his producing a certificate from a Justice proving the facts set forth in his account with respect to a horse lost in the service ;

“To Jonathan Robinson the sum ” *

Ordered, That Col. Collins wait on the House of Assembly with the several allowances made by that House to the report of the joint committee and concurrence of Council thereto.

Also, the bill entitled “An act for aiding the discontinuance of the process of the Courts of General Quarter Sessions of the Peace, &c.,” as signed by the Speaker.

* A memorandum here says: “Get from Mr. Booth,” and then follows a long blank space for inserting other items.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution, to wit :

“IN THE HOUSE OF ASSEMBLY,
“SATURDAY, June 7th, 1777.

“On motion,

“*Resolved*, That the President and Commander-in-Chief be
“impowered and required to draw on the Trustees of the Loan
“Offices for this State respectively, or any of them, for the sums
“agreed to by the General Assembly to be due to the persons
“hereafter mentioned upon the reports of committees, out of the
“sum of £ 10,000, struck and given for the defence of this State
“in pursuance of an act entitled ‘An act for printing and emit-
“ting £ 15,000 in Bills of Credit of this State, to be let out on
“loan, and for striking the further sum of £ 10,000 in such bills
“for the use of the State and for providing a fund for sinking
“the same,’ he taking receipts for said draughts :

“To Capt. Bassett, ...	£	20	16	3
“To Mr. President, ...		15	16	10 3
“To Samuel Crossan (on his complying with the				
“terms prescribed by the committee), . .		20	0	0
“To James Adams, ...		21	6	13 1
“To John Baning, ...		1	10	0
“To Gen. Rodney, Col. Collins and Jas. Latimer,		12	3	15 0
“To Col. Collins and John Thompson, Esq., . .		38	10	0
“To Thomas McKean, Esq., ...		20	2	6

£ 1957 17 1

“IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
“SATURDAY, P. M., June 7th, 1777.

“On motion,

“*Resolved*, That the President and Commander-in-Chief affix
“the Great Seal of this State to the bill entitled ‘An act for aid-
“ing the discontinuance of the process in the Courts of General
“Quarter Sessions of the Peace and Goal Delivery in the Coun-
“ties of New Castle and Sussex, and for other purposes therein
“mentioned.’ ”

Ordered, That Major Sloss wait on the House of Assembly with the above resolution and concurrence of Council thereto.

Who, being returned, reported, &c.*

* Thus ends Mr. Clay's journal.

MINUTES OF COUNCIL.

OCTOBER, 1777.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Council at the Town of Dover, in the County of Kent, on Monday, the twentieth day of October, Anno Domini one thousand seven hundred and seventy-seven, a sufficient number of members to compose a House not attending, adjourned from day to day till

THURSDAY, October 23, 1777.

The following members appeared in the Council, viz :

For New Castle County—George Read, Nicholas Vandyke.

For Kent County—Thomas Collins, John Baning.

For Sussex County—John Jones.

The return of the Sheriff and Inspectors for the County of New Castle of the election of a Counsellor to fill the vacant seat of Richard Cantwell, Esq., who had the smallest number of votes at the General Election in October, 1776, being delivered at the table, it appears that the annual election for the said county was held on the first day of October, instant, at the Academy, in the Town of Newark, in the County of New Castle, in pursuance of a proclamation issued for that purpose by the Honorable Thomas McKean, Esquire, Speaker of the late House of Assembly and President of the State, in the absence of President McKinly and the Vice President, by reason that the situation of the British fleet and army at and near the Town of New Castle rendered it impracticable to hold the election there. Mr. Peter Hyatt was chosen a member of the Council for New Castle County in the place of Mr. Cantwell, and Mr. Hyatt appeared in the House.

The return of the Sheriff and Inspectors for the County of Kent being laid on the table, it appears that Richard Bassett, who had the smallest number of votes at the former General Election for the said county, was reëlected a member of the Council for the County of Kent on the first day of this instant October. Mr. Bassett appeared in the House.

On motion,

Agreed unanimously that the Speaker of the Council be chosen annually.

Then the Council proceeded to the choice of a Speaker, and George Read, Esquire, was unanimously chosen.

The Speaker in the Chair, Mr. Benjamin Vining was appointed Clerk and Nathaniel Smithers, Jun., Messenger and Doorkeeper.

Mr. Bassett and Mr. Hyatt, the two members chosen at the last General Election, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State. [*See note on page 10.*]

The Speaker laid on the table a letter from the Honorable Thomas McKean, Esq., late Speaker of the House of Assembly and President of the State, in the absence of Mr. President McKinly and the Vice President, which, by order, was read the first time.

FRIDAY, October 24, 1777.

Council met.

Benjamin Vining, as Clerk of the Council, appeared in the House, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and also took the oath of office as Clerk of this House. [*See note on page 11.*]

On motion and order,

The letter from the Honorable Thomas McKean, Esquire, Speaker of the late House of Assembly and President of the State, in the absence of Mr. President McKinly and the Vice President, was read a second time and committed to Messrs. Vandyke, Bassett, and Jones, to report thereon.

Adjourned till to-morrow.

SATURDAY, October 25, 1777.

Council met.

A petition from divers of the inhabitants, freeholders and electors of the County of Sussex, complaining that they and other the freeholders and electors of that county, on the first day of October last past, were prevented from electing Representatives for the said county to the General Assembly of this State, and also of Sheriffs and Coroners for the ensuing year, by divers other persons, inhabitants of the said county, with an armed force, was delivered in at the table, and, on motion, read the first time.

The committee to whom the letter from the Honorable Thomas McKean, Esquire, as President in the absence of Mr. President McKinly and the Vice President, was referred, now made their report, which, on motion and order, was read the first time.

By special order the same was read a second time, and, after some debate, it was recommitted.

On motion, by special order,

The petition from divers of the freeholders and electors of Sussex County, complaining that the general election for representatives for the said county was prevented to be held by an armed force, was read a second time and referred for consideration.

Adjourned to Monday morning, 10 o'clock.

MONDAY, October 27, 1777.

Council met and adjourned till to-morrow morning, 10 o'clock.

TUESDAY, October 28, 1777.

Council met.

The committee to whom the report on Saturday was recommitted, now brought in their report, which, by order, was read the first time.

Adjourned till to-morrow.

WEDNESDAY, October 29, 1777.

Council met, and, on motion and order, the report of yesterday was read a second time and approved, in the following words, viz :

The committee of Council to whom a letter from the Honorable Thomas McKean, Esq., late Speaker of the House of Assembly, President and Commander-in-Chief of the Delaware State, was recommitted, do now report—

That the present situation of public affairs in this State requires that 600 militia be raised as speedily as possible for the protection and defence thereof, who are to continue in service for two months, unless sooner discharged by the Commander-in-Chief, and be furnished in the following proportions, viz : 300 non-commissioned

officers and privates in New Castle County, to consist of 6 companies of 50 men each, viz : 2 sergeants, 2 corporals, 1 drummer, 1 fifer, and 44 privates, to be commanded by 1 captain, 1 lieutenant, and 1 ensign ; 200 do. in Kent County, and 100 do. in Sussex County, to be officered in the same manner ;

AND WHEREAS the representatives of the several counties in this State have not, and in appearance cannot form themselves into a House for transacting of the public business, therefore from the necessity of immediately providing for the payment and support of the aforesaid troops, the committee report the following resolution, to be entered into by Council, viz : That it be recommended to the President and Commander-in-Chief to draw the sum of £5,000 out of the hands of the Trustee of the Loan Office of Kent County, and be by him applied for the uses aforesaid ; and that the Council on their part do promise and engage that they will hereafter concur with the Assembly in providing a fund for the replacing the said sum.

Your committee do further report a resolution, to be adopted by Council, recommending it to the President to draw the balance of the £10,000 emitted for the support of this State, and apply the same in discharge of the debts due to the militia heretofore called out.

Your committee do further report that, in their opinion, a committee of three persons be appointed to receive, examine and adjust the accounts of expenses which have accrued and become due to the Militia of the Counties of New Castle and Kent for former service, viz : Robert Bryan, Robert Armstrong, and Thomas Montgomery, gentlemen ; and also that a committee of three persons, viz : John Jones, John Rodney, and John Clowes, gentlemen, be appointed in the County of Sussex to receive, examine and adjust the accounts of expenses which have accrued and become due to the Militia of said county for former service, and make report thereof to the President, who is to pay the same accordingly.

Your committee do also recommend that a certified copy of the foregoing resolutions be made out, and the approbation of such of the members of the House of Assembly as are or may be in town signified by their subscribing the same.

On motion,

Ordered, That a copy of the preceding report and resolutions be made and delivered to the members of Assembly now in town, to be signed by them, signifying their approbation of this proceeding of the Council, and that Mr. Vandyke and Mr. Bassett attend them for this purpose.

Messrs. Vandyke and Bassett, having returned, delivered at the table the copy of the report and resolutions aforesaid, with the following subscription, to wit :

We, whose names are hereunto subscribed, being members of the Assembly for the Delaware State, do approve of the foregoing report and resolutions, and do engage to support the measures proposed therein at all times hereafter, both in our private and public capacities. Witness our hands this 29th of October, 1777 :

RICHARD LOCKWOOD,
SAMUEL WEST,
JEHU DAVIS,
JOHN CLAYTON,
WM. MOLLOSTON,
GEORGE CRAGHEAD,
ROBERT ARMSTRONG,

SAM'L PATTERSON,
JAMES BLACK,
WILLIAM CLARK,
ISAAC LEWIS,
ROBERT BRYAN,
JACOB STOUT.

And signed, this 4th December, 1777, by CHARLES RIDGELY.

Thereupon

Resolved, That the several resolutions mentioned in the foregoing report be adopted by this House and forthwith carried into execution.

Then the Council proceeded to the settlement of the per diem wages and mileage of the members and the accounts of their officers for the present meeting, and the following allowances were made, viz :

To George Read (<i>Speaker</i>), Nicholas Vandyke, Peter Hyatt, Thomas Collins, John Baning, Richard Bassett, and John Jones, Esq'rs, for nine days' attendance and mileage, ...	}	£ 46 11 0
To Benjamin Vining, Clerk, ...		
To Nathaniel Smithers, Jun., Doorkeeper, ...		6 7 6
		1 15 0
		£ 54 13 6

Ordered, That the Speaker draw orders on the Trustee of Sussex County for the payment of the several sums aforesaid.

Whereupon the said orders were drawn and signed by the Speaker.

Then the Council adjourned till the first day of December next.

MINUTES OF COUNCIL.

DECEMBER, 1777.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Council at the Town of Dover, in the County of Kent, by adjournment, on Monday, the first day of December, Anno Domini, 1777, a sufficient number of members to compose a House not attending, the Council adjourned till to-morrow.

TUESDAY, December 2d, 1777.

The following members appeared, viz :

For New Castle County—George Read (*Speaker*), Nicholas Vandyke, Peter Hyatt.

For Kent County—Thomas Collins, John Baning, Richard Bassett.

And adjourned till to-morrow.

WEDNESDAY, December 3d, 1777.

The Council met, and Col. John Jones, a member for Sussex County, appeared in the House.

The Representatives of the Counties not having formed themselves into a House of Assembly, the Council adjourned from day to day till Monday, the 8th of December, 1777.

MONDAY, December 8th, 1777.

The Council met and adjourned till to-morrow morning, 10 o'clock.

TUESDAY, December 9th, 1777.

The Council met. Present all the members as on last Wednesday, except Mr. Jones.

The minutes of the last meeting of the Council were read.

On motion

Resolved, That a copy of that part of the proceedings of the Council respecting the raising and pay of 600 Militia within the State, for its protection and defence, and also the appointment of committees for adjusting the accounts of expenses of former service of the Militia of the State, with the mode recommended for discharging the same, be made out and sent to the House of Assembly, with a message from the Council setting forth the reasons that induced them to adopt the said measures, and recommending it to the House of Assembly to make such provision in

the premises as they may judge necessary, consistent with the Laws and Constitution of the State.

Ordered, That Messrs. Bassett and Vandyke be a committee to prepare a draught of such message and report the same in the afternoon.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

The Council met. Some of the members attending the Committee,

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., December 10th, 1777.

The Council met. The same members present as on yesterday.

The committee appointed to prepare the draught of a message to the House of Assembly now delivered one in, and the same being read was ordered to be transcribed and signed by the Speaker, and is in these words, to wit :

Gentlemen :

The Council herewith transmit a copy of their resolutions of the 29th October last, directing the raising of 600 troops within this State for the protection and defence thereof, and providing for the payment and support of said troops, and also appointing committees to receive, examine and adjust the accounts of expenses which had accrued and become due to the Militia of the State for former service, with the mode recommended for discharging the same.

As the Representatives of the several Counties in the State did not form themselves into a House for transacting of the public business, the Council, on their part, were induced to adopt the measures contained in said resolutions to prevent the persons of the inhabitants near the water from being seized and taken prisoners and their property plundered by the crews of the enemy's ships of war, which then were in the Delaware; to put a stop to the illegal and pernicious trade carried on with the enemy by the inhabitants of this State; and to remove the complaints made by the Militia of non-payment for former services, which the Council were apprehensive would not only tend to delay the raising said troops, but also prevent the Militia from turning out in cases of emergency.

The Council now recommend it to your honorable House to take the said resolutions into your consideration, and make such further provision in the premises as you may judge necessary, consistent with the Laws and Constitution of the State.

Ordered, That Mr. Collins wait on the House of Assembly with the said message and copy of the resolutions of this House of the 29th October last respecting the raising and pay of the 600 Militia within the State for its protection and defence, and also the appointment of committees for adjusting the accounts of expenses of former service of the Militia of the State, with the mode recommended for discharging the same.

Who, being returned, reported that he had delivered the same according to order.

A committee from the House of Assembly, attending at the door, were admitted and delivered the following verbal message, to wit:

That the House of Assembly had chosen their Speaker, and were now ready to proceed on any business that the Council should think fit to lay before them.

The Council resumed the consideration of the petition from divers of the inhabitants, freeholders and electors of Sussex County, complaining of their being prevented from electing Representatives for that County to the General Assembly, and also of Sheriffs and Coroners, for the ensuing year, by an armed force, and thereupon

Ordered, That a committee be appointed to bring in a bill for the holding an election in that county, at a short day, for the choosing of Representatives to the General Assembly, and also for the election of Sheriffs and Coroners, for the ensuing year ; and

Resolved, That the petition aforesaid, with the papers attending the same, be sent to the House of Assembly for their perusal, and that that House be requested to appoint a committee to confer with a committee of Council on the subject matter of the said petition, who shall severally report thereon.

Ordered, That Mr. Baning wait on the House of Assembly with the said petition and a copy of the foregoing order and resolve.

Who, being returned, reported that he had delivered the same according to order.

Resolved, That Mr. Vandyke, Mr. Bassett, and Mr. Collins be a committee to bring in the bill aforesaid for holding an election in Sussex County at some short day.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

The Council met.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a "Bill to remedy the loss of divers Public Seals of Office in the County of New Castle," which, by order, was read the first time.

And also the following resolution, to wit :

"IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,

"WEDNESDAY, P. M., December 10, 1777.

"*Resolved*, That Messrs. Craghead, Lockwood, and Black be

“a Committee of Accounts for the present year ; and that Mr. Craghead wait on the Council and propose to them the appointment of a committee of their body to join the committee of this House in the business referred to them, if they think proper.”

Which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., December 11th, 1777.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., December 12th, 1777.

The Council met. Present the same members as on yesterday.

The committee appointed to bring in a bill for holding an election in Sussex County at some short day, now delivered one in, which, by order, was read the first time.

On motion, by special order,

The same was read the second time by paragraphs and passed, and ordered to be transcribed, and that Mr. Banning wait on the House of Assembly with the transcribed bill for their consideration and concurrence.

A message from the Vice-President to the General Assembly, respecting the advance of a sum of money to Lieutenant Colonel

Pope, to purchase clothing for the Delaware Battalion in the Continental service, was delivered at the table, and, by order, read the first time.

On motion and order,

The resolve of the House of Assembly of Wednesday last, for the appointment of a Committee of Accounts for the present year, was referred to Messrs. Bassett and Vandyke, to report thereon to-morrow morning.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., December 13th, 1777.

The Council met. Present the same members as on yesterday.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair certain resolutions for the borrowing of seven hundred and fifty pounds, on the credit of the State, to be put into the hands of Lieutenant Colonel Charles Pope, to enable him to proceed in the purchase of clothing for the Delaware Regiment.

Which, by order, were read, and an amendment proposed by way of addition to the last resolve being agreed to, the same was transcribed.

Ordered, That Mr. Hyatt wait on the House of Assembly with the said resolutions and the amendment proposed thereto for their consideration and concurrence.

Who, being returned, reported that he had delivered the same according to order.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

Col. Jones, who had been absent, now appeared in Council.

The committee to whom the resolve of the House of Assembly of Wednesday last, for the appointment of a Committee of Accounts for the present year, was referred, do now report it as their opinion that the following message be sent to the House of Assembly, to wit :

Gentlemen :

The Council have taken your resolution of Wednesday last, for the appointment of a Committee of Accounts for the present year, into consideration, and are of opinion that the whole business cannot be well executed by one committee. By the generality of the appointment, accounts between this State and the United States, future accounts of the Militia within this State, Loan Office accounts, Military Treasurers' accounts, with some others, will be included. This, we apprehend, was not intended by you ; but, if so, we cannot consent thereto. To state the accounts of expenditures by this State for and in behalf of the Continent will be a tedious business, requiring knowledge, attention and care, and it may be too burthensome to exact any other service of the committee who may be appointed for that purpose. Therefore we submit it to you whether it is not necessary to appoint committees severally for the several services.

Which being agreed to,

Ordered, That the same be transcribed and signed, and that Mr. Jones deliver the same to the House of Assembly.

Who, being returned, reported that he had delivered the same according to order.

On motion and order,

The bill to remedy the loss of divers Public Seals of Office in the County of New Castle was read a second time, and, upon consideration thereof, divers amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent by Mr. Bassett to the Assembly.

Who, being returned, reported that he had delivered the same according to order.

It appearing to the Council that the committee appointed by the General Assembly, at their meeting in January last, to procure the making and engraving of a Great Seal of this State, have not yet completed that business, and that the Seal of New Castle County, ordered by the General Assembly to be the Great Seal of this State *pro tempore* until the seal to be procured as aforesaid should be delivered to the President, hath fallen into the hands of the enemy, and still is in their possession, by means whereof there is not at this time any Great Seal of the State to affix to laws and commissions ; therefore

Resolved, That the ancient Seal of the County of Kent, dated '83, shall be held and deemed to be the Great Seal of the State *pro tempore*, until the Great Seal ordered to be made and engraved as aforesaid shall be delivered to the Commander-in-Chief of the State.

Ordered, That Mr. Bassett wait on the House of Assembly with this resolve, for their concurrence.

Who, being returned, reported that he had delivered the same according to order.

A member from the House of Assembly, attending at the door, was admitted and delivered at the Chair a "Bill for reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns;" and a "Bill directing the choice of Assessors for the present year in such Hundreds in the County of New Castle where Assessors have not been chosen agreeable to the laws of this State, and for other purposes therein mentioned," for the consideration and concurrence of Council.

Adjourned till Monday morning, 10 o'clock.

MONDAY, A. M., December 15th, 1777.

The Council met. Present the same members as on Saturday.

On motion and order,

The "Bill directing the choice of Assessors for the present year in such Hundreds in the County of New Castle where Assessors have not been chosen agreeable to the laws of this State, and for other purposes therein mentioned," was read the first time.

Ordered also,

That the "Bill for reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns," have its first reading, which was done accordingly.

On motion and order,

The "Bill directing the choice of Assessors for the present year in such Hundreds in the County of New Castle where Assessors have not been chosen agreeable to the laws of this State, and for other purposes therein mentioned," was read a second time.

Ordered also,

That the "Bill for reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns," have its second reading, which was done accordingly.

Ordered, That both the said bills be committed to Messrs. Collins, Vandyke, and Jones, to report thereon.

A member from the House of Assembly returned to the Chair the resolution for adopting the ancient Seal of Kent County as the Great Seal of this State *pro tempore*, with the concurrence of the

House of Assembly thereto ; and also the bill to remedy the loss of divers Public Seals of Office in the County of New Castle, with the amendments proposed by the Council, to which the House of Assembly also agreed.

Ordered, That the said bill be engrossed.

A member of the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolution, to wit :

“ IN THE HOUSE OF ASSEMBLY,
“ MONDAY, December 10, 1777.

“ On motion,

“ *Resolved*, That this House will, to-morrow in the forenoon, “ adjourn for this present sitting to some future day.”

“ *Ordered*, That Major Bryan wait on the Council with a copy “ of the above resolution respecting the adjournment of the General Assembly.”

Which being read and considered,

Resolved, That a committee of Council be named to confer with a committee of the House of Assembly on the subject of the said resolution.

Whereupon Messrs. Vandyke and Bassett were appointed.

Ordered also, That Mr. Vandyke deliver the following verbal message to the House of Assembly, to wit :

Gentlemen :

The Council having received a notice from your House of their intention to adjourn to-morrow in the forenoon, do apprehend that the business now before them and necessary to be completed before the rising of the General Assembly cannot be gone through by the time limited by you ; therefore the Council do propose to the House of Assembly the appointment of a committee of their House to confer with Messrs. Vandyke and Bassett, a committee of Council, on the subject of the adjournment, as proposed by the House of Assembly.

Mr. Vandyke, being returned, reported that he had delivered the same according to order.

A member from the House of Assembly informed the Chair that Messrs. Patterson, Craghead, and Bryan were appointed a committee to confer with the committee of Council as to the time of adjourning.

The said committee of conference met and agreed that it be recommended to the House of Assembly to reconsider their resolution for adjourning to-morrow in the forenoon.

A message from the Vice-President to the General Assembly, with a resolution of Congress of the 14th of November last, respecting the sufficiency of the force within the State to prevent the disaffected from furnishing the enemy with provisions, and also a request for a speedy representation of the State in Congress, was delivered at the table, and, by order, read the first time.

On motion,

Ordered, That Col. Collins wait on the House of Assembly and propose to them the choosing of Delegates for this State to Congress for the ensuing year, by joint ballot of both Houses, to-morrow, at 3 o'clock, P. M.

Who, being returned, reported that he had delivered the same according to order.

Mr. Bassett having applied for leave of absence for a few days, it is granted to him.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following message from the Assembly, to wit :

“A MESSAGE FROM THE ASSEMBLY TO THE COUNCIL.

“ *Gentlemen :*

“ The House of Assembly have taken into their consideration
“ your proposition relative to the choice of Delegates from this
“ State to Congress, and think it expedient that both Houses
“ should, previous to the election, meet and put in nomination
“ persons qualified for Delegates to Congress, agreeable to the

“mode heretofore used by both Houses in such cases; and therefore this House propose to the Council to meet at 10 o'clock to-morrow morning, at such place as the Council may think proper.”

Which, being read, was agreed to, and the following answer, drawn up at the table, was ordered to be sent to the House of Assembly, to wit :

AN ANSWER FROM THE COUNCIL TO A MESSAGE FROM THE
ASSEMBLY.

Gentlemen :

The Council agree to the meeting proposed by the House of Assembly at 10 o'clock to-morrow morning, to put in nomination persons who shall be balloted for as Delegates to Congress, and that the place of meeting be in the Council Room.

Mr. Hyatt, appointed to deliver the same, reported that he had so done according to order.

A member from the House of Assembly, attending at the door, was admitted and informed the Chair that the House of Assembly acceded to the place of meeting fixed by the Council.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., December 16th, 1777.

The Council met. Present the same members as on yesterday except Mr. Bassett, and adjourned till to-morrow morning.

WEDNESDAY, A. M., December 17th, 1777.

The Council met. Present the same members as on yesterday.

Mr. Clayton, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following message, to wit :

“A MESSAGE FROM THE ASSEMBLY TO THE COUNCIL.

“ *Gentlemen :*

“The House of Assembly, being unable to meet yesterday
“by the absence of one of their members, could not attend the
“Council for the purpose of putting in nomination persons qualified for Delegates to Congress, agreeable to the joint resolution
“of both Houses, do therefore propose to meet the Council
“forthwith for the purpose aforesaid ; and they also propose to
“your honorable House that both Houses proceed to the election, by joint ballot, at 3 o'clock. P. M.

“Signed by order of the House.

“SAM'L WEST, *Speaker*.

“Dover, 17th December, 1777.”

Which being read, the Council agreed to the time of nomination and balloting for Delegates as proposed in the said message.

Ordered, That Mr. Banning wait on the House of Assembly and inform them thereof, and that the Council are now ready to receive the House of Assembly in the Council Room.

Who, being returned, reported that he had delivered the same according to order.

The Council and Assembly being met in the Council Room, to put in nomination persons who are to be balloted for as Delegates to Congress, agreeable to the order of the day, on a motion made that the General Assembly do fix upon the number of Delegates that shall represent the State in Congress the en-

suings year, previous to the putting any person in nomination it is unanimously agreed that three persons shall be chosen for this service.

Then the members proceeded to put in nomination divers persons, whose names being taken down for the consideration of the members of both Houses, the General Assembly adjourned till 3 o'clock in the afternoon.

EODEM DIE, P. M.

The General Assembly met.

Then the members of both Houses proceeded to the ballot, which, being taken down, it appeared that Cæsar Rodney, Nicholas Vandyke, and Thomas McKean, Esquires, had a majority of voices, and are declared duly elected Delegates from this State to Congress for the ensuing year.

Then the members of Assembly withdrew.

The committee to whom the bills directing the choice of Assessors for the present year in such Hundreds in the County of New Castle where Assessors have not been chosen agreeable to the laws of this State, and for other purposes therein mentioned, and also the bill for reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns, were committed, report it as their opinion that the subject matter of the said two bills hath relation to each other and ought to be formed into one bill; and the committee further report that they essayed the draught of such a bill, by way of amendment to the said two bills, which they submit to the correction of the Council.

On motion and order,

The said bill of amendment was read the first time.

By special order the same was read the second time, and, after some amendments, was agreed to, and ordered to be transcribed.

Ordered, That Mr. Vandyke wait on the House of Assembly with the said transcribed bill for their consideration and concurrence.

Mr. Bryan, a member from the House of Assembly, attending, was admitted and delivered to the Chair a "Bill empowering the President or Commander-in-Chief of the Delaware State to draw out of the Loan Office of Kent County the sum of five thousand pounds ;" and also the resolutions for borrowing seven hundred and fifty pounds, on the credit of the State, to be put into the hands of Lieutenant Colonel Pope to purchase clothing for the Delaware Regiment, with the amendment proposed by the Council by way of addition to the last resolve, to which the House of Assembly had agreed, and accordingly added a further resolution, setting forth the loan of the aforesaid sum of seven hundred and fifty pounds by Vincent Loockerman, and charging this State with repayment of the same with interest.

Council adjourned till Friday morning, 10 o'clock.

FRIDAY, A. M., December 19th, 1777.

The Council met. Present all the members as on Wednesday, and also Mr. Bassett.

On motion,

The resolutions for borrowing seven hundred and fifty pounds on the credit of the State, and for repaying the same with interest, were read and concurred in, and are as follows, to wit :

"IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,

"FRIDAY, P. M., December 12th, 1777.

"*Resolved*, That the sum of seven hundred and fifty pounds "be borrowed upon the credit of this State, and that the Vice-

“President sign certificates to the person or persons lending the same.

“*Resolved*, That this House will devise ways and means for the repayment to the lender or lenders thereof.

“*Resolved*, That the said sum of seven hundred and fifty pounds be put into the hands of Lieutenant Colonel Charles Pope, to enable him to proceed in the purchase of clothing for the Delaware Regiment aforesaid, and that Colonel Pope be accountable for the expenditure thereof to the General Assembly, or to the President or Vice-President of the State for the time being in the vacation of Assembly, in order that the State may have the said sum refunded by Congress.

“WEDNESDAY, P. M., December 17th, 1777.

“It appearing to the House that Vincent Loockerman, of Dover, in the County of Kent, on the sixteenth day of December instant, had paid into the hands of the Vice-President of this State, in pursuance of the joint resolution of both Houses, made on Saturday last, the sum of seven hundred and fifty pounds, lawful money, for the use of this State.

“*Resolved*, That this State be chargeable with, and the same is hereby made chargeable with the said seven hundred and fifty pounds, to be paid to the said Vincent Loockerman, his executors, administrators, or assigns, at any time within one year from this date, with interest at the rate of six per cent. per annum, from the sixteenth day of December, instant, until the same be repaid.

“*Ordered*, That Mr. Bryan wait on the Council with the resolutions for the borrowing seven hundred and fifty pounds, upon the credit of the State, and putting the same into the hands of Lieutenant Colonel Pope to purchase clothing for the Delaware Regiment, and inform them that this House has acceded to the amendment proposed thereto, and that he deliver a copy of the last resolution for their consideration and concurrence.”

On motion and order,

The bill empowering the President or Commander-in-Chief to draw out of the Loan Office of Kent County the sum of five thousand pounds, was read the first time.

By special order the same was read a second time, and thereupon committed to Messrs. Bassett and Vandyke to report thereon.

The committee report divers amendments as necessary to the said bill, which, being read, were severally agreed to.

Ordered, That the said bill, with the amendments, be sent to the House of Assembly for their consideration and concurrence.

Colonel Jones is appointed for this purpose, and also to return the resolutions for the borrowing of seven hundred and fifty pounds, on the credit of the State, and for the repaying the same, with the concurrence of the Council thereto.

Who, being returned, reported that he had delivered the same according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

On motion and order,

That a certificate of the appointment of the Delegates to the Congress, as chosen on Wednesday, the 17th inst., in the General Assembly, expressing the powers they are to be invested with, be drawn up and sent to the House of Assembly for their concurrence, which, being done and transcribed, was, by order, read and agreed to, as follows, to wit :

WHEREAS Cæsar Rodney, Nicholas Vandyke, and Thomas McKean, Esquires, have been chosen, by joint ballot of the two Houses of Assembly, to represent the Delaware State in the Continental Congress,

Resolved, That they, or any one or more of them, are hereby fully authorized and empowered, for and in behalf of this State, to concert, agree to, and execute any measure which they or he, together with a majority of the Continental Congress, shall judge

necessary for the defence, security, interest, and welfare of this State in particular and America in general; with power to adjourn to such times and places as shall appear most conducive to the public safety and advantage.

Mr. Hyatt is ordered to deliver the same to the House of Assembly for their concurrence.

Mr. Hyatt, being returned, reported that he had delivered the same according to order.

Mr. Armstrong, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a "Bill for defraying the expenses of the General Assembly," which, by order, was read the first time.

By special order the same was read a second time, and, upon the vote, postponed.

A member from the House of Assembly, attending at the door, was admitted and returned to the Chair the certificate of the appointment of the Delegates to the Congress, as chosen on Wednesday, the 17th instant, in the General Assembly, expressing the powers they are to be invested with, with the concurrence of the House of Assembly thereto.

The same member also delivered to the Chair the following message from the Assembly, to wit :

"A MESSAGE FROM THE ASSEMBLY TO THE COUNCIL.

"*Gentlemen :*

"This House having sent to the Council, on Wednesday last, for their consideration and concurrence, a bill entitled 'An act empowering the President, Vice-President, or Commander-in-Chief, to draw out of the Loan Office of Kent County the sum of five thousand pounds, part of the sum emitted by an act entitled, 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same ;'' and the said bill being returned to the House this day, by a member of Council, with a bill entitled
" 'A supplement to an act entitled 'An act for printing and

“emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills, for the use of this State, and for providing a fund for sinking the same,” which, by a verbal message, was said to be an amendment to the first mentioned bill; this being contrary to the mode of proceeding used in such cases by both Houses (it having been usual heretofore, as this House conceives, to point out amendments particularly in writing,) the House of Assembly desire to know, by a written message, whether the said supplementary bill was intended as amendatory of the said first mentioned bill or not.

“Dover, Dec. 19, 1777.”

And the same being taken into consideration, an answer was drawn up at the table, and ordered to be transcribed and signed by the Speaker, and is as follows, to wit :

AN ANSWER FROM THE COUNCIL TO A MESSAGE FROM THE
ASSEMBLY.

Gentlemen :

The Council, when they sent the bill entitled “A supplement to an act entitled ‘An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same,’” intended the same as an amendment to the bill sent from the House of Assembly entitled “An act empowering the President, Vice-President, or Commander-in-Chief to draw out of the Loan Office of Kent County the sum of five thousand pounds, part of the sum emitted by an act entitled ‘An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills, for the use of this State, and for providing a fund for sinking the same,’” as appears by the verbal message delivered by the member of the Council who returned the original bill, together with the amendment. The Council were induced to this proceeding, (tho’ not strictly regular,) merely for the saving of time. From the notice sent by your House, on Monday last, of their intention to adjourn, and the conference of the committees thereon, the Council apprehended that some of the usual forms of proceeding must be dispensed

with, or otherwise much of the business before both Houses would be left unfinished ; however, we do not mean or wish to establish it as a precedent, and if the House of Assembly shall think it necessary to return the two bills thus sent, the Council will proceed on the bill from your House in the usual mode.

Ordered, That Mr. Bassett deliver the same to the House of Assembly.

Who, being returned, reported that he had delivered the same according to order.

A member from the House of Assembly, attending, was admitted and returned the bill directing the choice of Assessors for the present year in the County of New Castle, and reviving the Levy Court and Court of Appeal for the County of New Castle, and for reestablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns, with an amendment, which, being agreed to, was made therein.

Ordered, That Mr. Vandyke wait on the House of Assembly with the said bill and inform them that the Council acceded to the amendment proposed.

Mr. Vandyke returned and reported that he delivered the bill and message according to order.

Mr. Craghead, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolution, to wit :

“ IN THE HOUSE OF ASSEMBLY,

“ FRIDAY, December 19th, 1777.

“ The House resumed the consideration of one of the resolutions of Council of the 29th of October, referred to in a message from the Council of the 10th instant, which has not been acted upon by this House, and is as follows, to wit :

“ That a committee of three persons be appointed to receive, examine, and adjust the accounts of expenses which have accrued and become due to the Militia of the Counties of New Castle and Kent for former service, viz : Robert Bryan, Robert Armstrong, and Thomas Montgomery, gentlemen ; and also

“that a committee of three persons, viz : John Jones, John Rodney, and John Clowes, gentlemen, be appointed in the County of Sussex, to receive, examine, and adjust the accounts of expenses which have accrued and become due to the Militia of said County for former service, and make report thereof to the President, who is to pay the same accordingly.

“And thereupon

“*Resolved*, That this House concur in the said resolution.

“*Ordered*, That the above be transcribed, and that Mr. Craghead wait on the Council and deliver the same.

Ordered also, That Mr. Craghead inform the Council that this House intends, to-morrow, in the afternoon, to adjourn to some future day.”

Which, by order, was read the first time.

The memorial of Ephraim Blaine, Deputy Commissary General of Purchase for the Continental Army, was read the first time and ordered to be delivered to the Assembly for their perusal. Col. Jones is appointed for this purpose, who, being returned, reported that he had delivered the same according to order.

Adjourned till to-morrow, 10 o'clock, A. M.

SATURDAY, A. M., December 20th, 1777.

The Council met. Present the same members as on yesterday.

On motion,

The resolution of Council of the 29th of October, with the concurrence of the House of Assembly, delivered the last evening, was read, and, upon consideration, the following message

was drawn up at the table and agreed to be sent to the House of Assembly, to wit :

Gentlemen :

We received a resolution by member of your House last evening concurring in a resolution of the 29th of October last, for the appointment of two several committees for adjusting the accounts due to the Militia of the State for former service, and referred to, among other things, in our message to you of the 10th instant, but without any alteration in the form of that part of the resolution respecting the report to be made by these committees. When the Council adopted this resolution, it was a doubt with them whether your House could or would have been formed in the course of the year, and therefore extremely uncertain when a General Assembly would meet ; but this being obviated, this Council took an early opportunity to lay the whole before you, wishing you to make further provision and supply the irregularity of a proceeding adopted from necessity. But as the House of Assembly have not done more than return a general concurrence, the Council beg leave to recommend to the Assembly a reconsideration of that resolution, and submit whether it is not necessary to direct the report to be made to the General Assembly, in order the allowances therein may receive such approbation as is usual in such cases, and that it may be a voucher in the State's account against Congress, without which sanction, we doubt, it will not be considered a proper voucher. The demand of the State will be considerable, and a risque of this sort should be avoided while in our power. We beg leave, also, to remind you that you have not acted upon all the resolutions of the 29th of October last. A material one is omitted, to wit : that which recommends it to the President to draw for the balance of the ten thousand pounds emitted for the support of the State and apply the same to discharge the debts to be ascertained by the committees aforesaid.

Ordered, That Mr. Baning deliver the same.

Who, being returned, reported that he had delivered the same according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion,

Resolved, That Messrs. Cæsar Rodney, James Sykes, and Eleazar M. Coombs be a committee to state an account of the monies advanced by the State, or on the credit thereof, for recruiting the Delaware Battalion in the two last campaigns, and of the expenditures of the same; and also to state an account of expenditures by this State for and in behalf of the United States, and that the said committee be empowered to send for persons, papers and things.

On motion,

Resolved, That the Prothonotary of the Court of Common Pleas for Kent County do deliver the ancient Seal of the said County, dated '83, used in his office, unto the Vice-President or Commander-in-Chief of the State, the same seal being established as the Great Seal of this State, until a new one is made and delivered to the Commander-in-Chief, and then it is ordered that the seal aforesaid be redelivered to the Prothonotary.

Which, by order, was read the first time, and agreed to be sent to the House of Assembly for their concurrence.

Ordered, That Col. Collins deliver the said resolutions to the House of Assembly for concurrence.

Who, being returned, reported that he had delivered the same according to order.

Mr. Armstrong, a member from the House of Assembly, attending at the door, was admitted and returned to the Council "A supplement to an act entitled 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same,' " with the concurrence of the House of Assembly thereto.

WHEREAS the two months limited for the service of the 600 Militia ordered to be raised by a resolution of the Council of the 29th October last, for the protection and defence of the State, is near expiring, and the present situation of the public affairs in the State requires that a standing body of the Militia be kept up ; therefore

Resolved, That the like number of Militia be continued in the service of the State for other two months, unless sooner discharged by the Commander-in-Chief, and that they be furnished in the same proportion as by the said resolution of the 29th of October last is directed.

Ordered, That Mr. Vandyke deliver the same to the House of Assembly for their concurrence.

Mr. Vandyke, being returned, reported that he had delivered the same according to order.

Mr. Stout, a member from the House of Assembly, attending, was admitted, and returned to the Chair the resolution of the Council for the appointment of Cæsar Rodney, James Sykes, and Eleazar McCombs, to be a committee to state an account of the monies advanced by this State, or on the credit thereof, for recruiting the Delaware Battalion in the two last campaigns, and of the expenditures of the same, and of the expenditures of this State in behalf of the United States. Also the resolution of Council for the delivery of the ancient Seal of Kent County to the Vice-President. And also the resolution of Council for continuing 600 Militia in the service of the State for other two months, unless sooner discharged by the Commander-in-Chief, with the concurrence of the House of Assembly to each of the said resolutions.

The bill entitled "An act to remedy the loss of divers Public Seals of Office in the County of New Castle," and the bill entitled "A supplement to an act entitled 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same,' " being severally examined and compared, the Council agree that the same be enacted into laws.

Ordered, That Mr. Bassett return the same to the House of Assembly, to be signed by their Speaker.

Mr. Lockwood, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolves, to wit :

“ IN THE HOUSE OF ASSEMBLY,
“ SATURDAY, P. M., December 20, 1777.

“ The House resumed the consideration of the message sent from Council this afternoon, and thereupon

“ *Resolved*, That a committee of three persons be appointed to receive, examine, and adjust the accounts of expenses which have accrued and become due to the Militia of the Counties of New Castle and Kent for former service, viz : Robert Bryan, Robert Armstrong, and Thomas Montgomery, gentlemen; and also that a committee of three persons, viz : John Jones, John Clowes, and John Rodney, gentlemen, be appointed in the County of Sussex, to receive, examine, and adjust the accounts of expenses which have accrued and become due to the Militia of said County for former service, and make report thereof to the General Assembly of Delaware at their next meeting.

“ *Resolved*, That the Vice-President or Commander-in-Chief be empowered to draw for and apply the balance of ten thousand pounds, emitted for the support of this State by an act entitled ‘An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same,’ towards the discharge of the debts due to the Militia heretofore called out.”

Which, by order, was read the first time.

The same, by special order, was read the second time and concurred in.

Ordered, That Mr. Baning return the same to the House of Assembly with the concurrence of Council thereto.

Who, being returned, reported that he had delivered the same according to order.

Dr. Molleston, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill entitled "An act to remedy the loss of divers Public Seals of Office in the County of New Castle;" also the bill entitled "A supplement to an act entitled 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same;'" and also the "Bill directing the choice of Assessors for the present year in the County of New Castle, and reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns," signed by the Speaker of the House of Assembly.

Ordered, That the said bills be signed by the Speaker of the Council, which was done accordingly.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the following laws, to wit :

1. "An act to remedy the loss of divers Public Seals of Office in the County of New Castle ;"

2. "A supplement to an act entitled 'An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same;'"

3. "An act directing the choice of Assessors for the present year in the County of New Castle, and reviving the Levy Court and Court of Appeal for the County of New Castle, and for reëstablishing the process in the Supreme Court throughout the State, and for occasional adjournments or removals of the Courts from the County Towns ;"

Passed this session.

Mr. Davis, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following report, to wit :

“IN THE HOUSE OF ASSEMBLY,
“SATURDAY, P. M., December 20th, 1777.

“The House resolved itself into a Grand Committee to consider of certain accounts brought in for the service of the State, and after some time spent therein the Chairman of the Committee reported that they had allowed the following accounts, to wit :

“To the Honorable Thomas McKean, Esquire, .	£	90	0	11½
“To James Sykes, Esq., for signing paper money				
“and expenses in attending Congress, ...		55	1	9
“To Richard Lockwood and John Clarke, Es-				
“quires, each £ 16, for signing paper money, .		32	0	0
“To Philip Barratt, Esq., Sheriff of Kent County,				
“for public services, ...		29	0	0
“To Thomas Wild, Goaler of Kent County, . .		6	10	3
“To James Booth, as Secretary and Clerk of As-				
“sembly, for former services, &c., ...		42	4	6
£ 254 17 5½				

Which said report was agreed to by the House of Assembly and sent to the Council for concurrence, and returned with the concurrence of Council thereto.

Ordered, That Mr. Bassett deliver to the House of Assembly the several laws passed this session, signed by the Speaker of the Council, together with a resolve of Council for affixing the Great Seal to the said laws.

Who, being returned, reported that he had delivered the same according to law.

A member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolve, to wit :

“IN THE HOUSE OF ASSEMBLY,
“SATURDAY, P. M., December 20, 1777.

“On motion,

“*Resolved,* That the Vice President and Commander-in-Chief
“be empowered to draw on the Trustees of the Loan Offices of

“this State for the several sums agreed by the General Assembly
 “to be due to the following persons, out of the interest monies
 “in the said offices, viz :

“To the Honorable Thomas McKean, Esquire, . . .	£ 90	0	11½
“To James Sykes, Esquire, ...	55	1	9
“To Richard Lockwood and John Clarke, Esq’rs, “£ 16 each, ...	32	0	0
“To Philip Barratt, Esquire, ...	29	0	0
“To Thomas Wild, ...	6	10	3
“To James Booth, Esquire, ...	42	4	6

Which said resolve was agreed to by the House of Assembly and sent to the Council for concurrence, and returned with the concurrence of Council thereto.

Then the Council proceeded to the settlement of the per diem, wages and mileage of the members, and the accounts of their officers for the present meeting, and the following allowances were made, viz :

To George Read (<i>Speaker</i>), Nicholas Vandyke, Peter Hyatt, Thomas Collins, John Baning, Richard Bassett, and John Jones, Esq’rs, for for 21 days’ attendance and mileage, ...	}	£ 100 11 4		
To Mr. Benjamin Vining, Clerk, ...		11	19	6
To Nathaniel Smithers, Jun., Doorkeeper, ...		4	0	0
To Mr. French Battell, for fire, candles, &c., ...		15	0	0
To Mr. French Battell, for sundry expenses of the Council, ...		150	18	3
		£ 282 9 1		

Ordered, That the Speaker draw orders on the Trustees of the Loan Offices of Kent and Sussex for the payment of the several sums aforesaid.

Whereupon the said orders were drawn and signed by the Speaker.

Then the Council adjourned to the first Monday in March next.

MINUTES OF COUNCIL.

FEBRUARY, 1778.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

SPECIAL SESSION, FEBRUARY, 1778.

At a meeting of the Council at the Town of Dover, in the County of Kent, by a special order of the Vice-President, on Tuesday, the seventeenth day of February, Anno Domini 1778, a sufficient number of members to compose a House not attending, the Council adjourned from day to day till Thursday, February 19th, 1778.

THURSDAY, February 19th, 1778.

The Council met, but a quorum of the House of Assembly not attending, the Council adjourned from day to day till Saturday, February 21st, 1778.

SATURDAY, February 21st, 1778.

The Council met.

The following members appeared in the Council, viz :

For New Castle County—George Read (*Speaker*), Nicholas Vandyke, Peter Hyatt.

For Kent County—Richard Bassett, John Baning, Thomas Collins.

For Sussex County—Col. John Jones.

A message from the Vice-President to the General Assembly, respecting the raising of the Militia for reinforcing General Smallwood, at Wilmington, in compliance with the requisition of his Excellency General Washington of the 19th of December last, in order to prevent any attempt of the enemy to get possession of that port, and the neglect of the Militia to obey the orders for their march owing to the deficiency of the law; and also respecting the recruiting of the Delaware Battalion, either by drafting or otherwise, agreeable to a further requisition of his Excellency General Washington, contained in his letter of the 19th of January last, together with copies of the said letters, was delivered at the table,

And, on motion and order, the same were read.

Mr. Bryan, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following order of that House, to wit :

“ IN THE HOUSE OF ASSEMBLY,

“ SATURDAY, February 21st, 1778.

“ The House took into consideration that part of the message
“ from his Honor the Vice-President, recommending measures
“ to be taken for the completion of the Delaware Regiment, and
“ thereupon

“ *Ordered*, That Mr. Bryan wait on the Council and propose to
“ them the appointment of a committee of their body to join with
“ a committee of this House to consider of the best methods for
“ the speedy completing of the said regiment, who may severally
“ report thereon.”

Which, by order, was read and agreed to, and Messrs. Collins, Vandyke, and Jones are appointed on the part of the Council a committee of conference on the business aforesaid.

Ordered, That Mr. Bassett wait on the House of Assembly with this resolution of concurrence and appointment.

Who, being returned, reported that he had delivered the same according to order.

Mr. Stout, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill entitled "An act to enable the Sheriff of the County of Sussex to hold an election in said county to elect members of the General Assembly, Sheriffs and Coroners for the said county for the ensuing year," with amendments thereto, which, by order, were read and agreed to, and the amendments were accordingly made in the bill.

Ordered, That Mr. Vandyke wait on the House of Assembly and inform them that the Council had acceded to their proposed amendments in the bill aforesaid.

Mr. Vandyke, being returned, reported that he had delivered the same according to order.

Ordered, That the said bill be engrossed.

Upon the question, it is

Resolved, That the seat of Daniel Dingee in the Council became vacant on the first day of October last, and the member of Council to be chosen under the bill now passed for holding an election in the County of Sussex is to supply that vacancy.

It appearing to the Council that Samuel Shelton Sloss, a member of this House, died lately, on motion

Ordered, That the Speaker issue a writ to the Sheriff of Sussex County, directing him to hold an election on the second day of March next for the choosing a new member to supply the vacancy occasioned by the death of Mr. Sloss.

The bill for the holding an election in Sussex County, being engrossed, was read and compared and passed the Council.

Ordered, That Mr. Jones deliver the same to the House of Assembly for comparison and to be signed by the Speaker of that House.

Mr. Jones, being returned, reported that he had delivered the same according to order.

Mr. Stout, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill for the holding an election in Sussex County, signed by the Speaker of the House of Assembly.

Ordered, That the said bill be signed by the Speaker of the Council, which was done accordingly.

On motion,

Resolved, That the Vice-President and Commander-in-Chief affix the Great Seal of this State to the act entitled "An act to enable the Sheriff of the County of Sussex to hold an election in said county to elect members of the General Assembly, Sheriff, and Coroners for the said county for the ensuing year."

Adjourned till Monday morning, 10 o'clock.

MONDAY, February 23d, 1778.

The Council met. Some of the members attending the committee, the Council adjourned till to-morrow morning, 10 o'clock.

TUESDAY, February 24th, 1778.

The Council met. Present the same members as on yesterday, except Col. Jones.

The committee of Council appointed to confer with a committee of the House of Assembly on the subject matter of completing the Delaware Regiment, now delivered their report at the table, which, by order, was read the first time.

Dr. Ridgely, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair certain resolutions founded on the report of the committee of conference for completing the Delaware Regiment, which, by order, were read the first time.

By special order the same were read a second time, and divers amendments being proposed and agreed to, were ordered to be transcribed and sent to the House of Assembly for their concurrence.

Ordered, That Mr. Hyatt wait on the House of Assembly with the said resolutions and amendments.

Mr. Hyatt, being returned, reported that he had delivered the same according to order.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., February 25th, 1778.

The Council met. Present the same members as on yesterday.

Dr. Molleston, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the amendments proposed by the Council to the resolutions of the Assembly for the completing of the Delaware Regiment, some of which the House of Assembly agreed to, and to others they proposed further amendments.

The same member also delivered to the Chair the following notice of that House, to wit :

“IN THE HOUSE OF ASSEMBLY,

“WEDNESDAY, A. M., February 25th, 1778.

“*Ordered*, That Mr. Molleston wait on the Council and inform “them that this House proposes, in the afternoon, to adjourn for “a few days.”

The Council took into consideration the amendments proposed by the Assembly to the amendments of the Council, and thereupon

Resolved, That the following message be sent to the House of Assembly, to wit :

Gentlemen :

The Council have taken into consideration the amendments proposed by your House to the amendments offered by the Council to the resolutions, founded on the report of the committee of conferees, for filling the Delaware Regiment, and are of opinion that if adopted they will not answer the end intended by your House, and also apprehend that the reasons for their amendments have not been fully understood or perhaps your House would not have disagreed to some of the amendments at least ; and as this business requires dispatch, as well from the nature of it as from the intention of the Assembly to adjourn this afternoon for a few days, the Council propose to the House of Assembly a committee of conference on the subject matter of the several amendments proposed by each House for the more speedy settling of this business, which, if approved of, the Council will immediately name members of their body to attend the conference forthwith.

Ordered, That Mr. Bassett wait on the House of Assembly with the same message.

Who, being returned, reported the delivery thereof.

Mr. Clark, a member from the House of Assembly, attending at the door, was admitted and informed the Chair that that House acceded to the proposed conference, and that Messrs Patterson, Ridgely, Clayton, Armstrong, and Lockwood are appointed by the House of Assembly for that purpose.

And, on motion, Messrs. Bassett, Vandyke, and Baning are appointed conferees on the part of the Council.

Ordered, That Mr. Hyatt inform the House of Assembly of this appointment.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Lockwood, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolutions of the House of Assembly, as agreed to and reported by the committee of conference :

“IN THE HOUSE OF ASSEMBLY,
“WEDNESDAY, P. M., February 25th, 1778.

“The committee appointed to confer with a committee of Council on the amendments proposed by each House to the resolutions for the completing of the Delaware Regiment, reported the following resolutions to be adopted in the place of the resolutions before mentioned, which were, by order, read and agreed to by the House, to wit :

“*Resolved, nemine contradicente*, That in order to fill up the said regiment speedily, which appears to be deficient in number four hundred and twenty men, rank and file, every officer be allowed thirty-five dollars for each able-bodied soldier he hath enlisted since the first day of February instant, or that he may enlist before the first day of May next, for the term of three years, or during the war, and who shall pass muster.

“That an additional bounty of forty-five dollars be given to every soldier so as aforesaid enlisted, or that may be enlisted.

“That the Vice-President be empowered to borrow from Congress, in the name and on the behalf of the State, forty thousand dollars, to carry the business aforesaid into execution, and this House will devise ways and means for the repayment of the said sum.

“*Resolved also*, That if the said sum of forty thousand dollars cannot be obtained from Congress, that the like sum be borrowed from private persons on the credit of the State, and that the Vice-President sign certificates to the person or persons who may lend the same, and this House will devise ways and means for the repayment to the lender or lenders thereof.”

Which, by order, were read the first time.

By a special order the same were read a second time and concurred in.

Ordered, That Mr. Hyatt wait on the House of Assembly and inform them that the Council had agreed to the said resolutions.

Mr. Hyatt, being returned, reported that he had done so according to order.

A member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a report from the committee appointed to adjust the accounts of expenses accrued and become due to the Militia of the Counties of New Castle and Kent for former service, examined and approved of by the House of Assembly, together with divers vouchers, for the consideration and concurrence of the Council.

And, on motion, the same report was read and ordered to lie on the table for consideration.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., February 26th, 1778.

The Council met.

The Speaker informed the House that he had received, since the rising of the Council on the last evening, a writing, subscribed by the Speaker of the Assembly, by way of notice, that the House of Assembly, on yesterday, had adjourned to Wednesday, the fourth of March next, which, by order, was read and filed.

The Council resumed the report from the Committee of Militia Accounts, and proceeded to the examination thereof with the vouchers, and, after some time spent thereon, ordered to lie over for further examination.

The Council adjourned to the fourth day of March next.

MINUTES OF COUNCIL.

MARCH, 1778.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MARCH, 1778.

At a meeting of the Council at the Town of Dover, in the County of Kent, by adjournment, on Wednesday, the 4th day of March, Anno Domini, 1778, a sufficient number of members to compose a House not attending, the Council adjourned from day to day till Monday, March 9th, 1778.

MONDAY, A. M., March 9th, 1778.

The Council met.

The following members appeared in the Council, viz :

For New Castle County—George Read (*Speaker*), Peter Hyatt.

For Kent County—John Baning.

For Sussex County—Col. John Jones, William Conwell.

The return of the Sheriff and Inspectors for the County of Sussex of the election of two Councillors to fill the vacant seats

of Daniel Dingee, Esq., whose seat became vacant on the first day of October last by rotation, and of Samuel Shelton Sloss, Esquire, who lately died, being delivered at the table, it appears that John Clowes, Esq., was elected a member of the Council for the County of Sussex, in the room of Daniel Dingee, under the act of Assembly passed at this session ; and that William Conwell, gentleman, was elected a member of the Council for the said County of Sussex, in the room of Samuel Shelton Sloss, in pursuance of a special writ issued by the Speaker of the Council.

Mr. Conwell appeared in the Council, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of the State, and then took his seat in the Council. [*See note on page 10.*]

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., March 10th, 1778.

The Council met. Present the same members as on yesterday.

A message from the Vice-President to the General Assembly, respecting the reinforcing General Washington with 500 Militia, together with divers resolutions of Congress recommending the taking into consideration the Plan of Confederacy for the United States ; the raising the State's quota of five millions of dollars in the current year by tax on the inhabitants of the State ; the regulating the price of labor, manufactures, internal produce, and commodities imported from foreign parts, and the future supply of clothing for the battalion belonging to the State, was delivered at the table, and, by order, read the first time.

The Speaker laid before the Council certain resolutions of Congress recommending more effectual provision to be made for the detecting and punishing of deserters in the several States, and a letter from General Washington, representing the necessity of an adequate remedy for this evil ; and the Council, taking into consideration the "Act against desertion and harbouring deserters,

or dealing with them in certain cases," are of opinion that the penalties therein are too low, and thereupon

Resolved, That a committee of three be appointed to prepare and bring in a bill for the further and more effectual detecting of deserters and punishing the harbourers of them.

And, on motion,

Messrs. Jones, Baning, and Conwell are appointed a committee for this purpose.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., March 11th, 1778.

The Council met.

Mr. Collins appeared in the Council and took his seat. Some of the members attending the Committee, the Council adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., March 12th, 1778.

The Council met. Present the same members as on Tuesday.

Mr. Vandyke appeared and took his seat in Council.

The committee appointed to prepare and bring in a bill for the further and more effectual detecting of deserters and punishing the harbourers of them, now delivered one at the table, which, by order, was read the first time.

On motion, by special order,

The same was read a second time, and, sundry amendments

being proposed and agreed to, the same passed the Council, and ordered that the said bill be transcribed and sent to the House of Assembly for their consideration and concurrence.

Mr. Baning is appointed for this purpose, who, being returned, reported that he had delivered the same according to order.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., March 13th, 1778.

The Council met. Present the same members as on yesterday.

General Patterson, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolve, to wit :

“ IN THE HOUSE OF ASSEMBLY,

FRIDAY, A. M., March 13th, 1778.

“ *Resolved*, That a committee be appointed to confer with a
“ committee of Council on the subject matter of a resolution of
“ Congress of the 22d of November last, recommending to the
“ Legislatures, or, in their recess, to the Executive authority of
“ the respective States, to cause subscriptions to be opened for
“ the loan of monies to be invested in certificates from the respec-
“ tive Continental Loan Offices.”

Which, by order, was read and agreed to, and Messrs. Vandyke and Jones are appointed the conferees on the part of the Council to join a like committee to be appointed by the House of Assembly on the subject matter of the resolutions of Congress aforesaid.

Ordered, That Mr. Hyatt wait on the House of Assembly with the said resolutions with the concurrence and appointment of the Council.

Who, being returned, reported that he had delivered the same according to order.

The Council took into consideration the resolutions of Congress respecting the regulating of the price of labor, manufactures, internal produce, and commodities imported from foreign parts, and thereupon

Resolved, That a committee of three be appointed to prepare and bring in a bill for the purposes in the said resolutions mentioned.

And, on motion, Messrs. Vandyke, Collins, and Hyatt are appointed a committee for this purpose.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., March 14th, 1778.

The Council met. Present the same members as on yesterday.

On motion of Mr. Conwell for leave of absence till Monday next, the same is granted to him.

Adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., March 16th, 1778.

Council met and adjourned till Tuesday morning, 10 o'clock.

TUESDAY, A. M., March 17th, 1778.

The Council met.

Mr. Clowes, a member of the Council for Sussex County, appeared in the Council, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and then took his seat in the Council. [*See note on page 10.*]

Mr. Peery, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the bill for the further and more effectual detecting of deserters and punishing the harbourers of them, with some amendments, to which the Council agreed.

Ordered, That the said bill be engrossed, and that Mr. Bassett inform the House of Assembly that the Council have acceded to the proposed amendments.

Mr. Bassett, being returned, reported that he had so done according to order.

The Council took into consideration the resolve of Congress of September 3d last, recommending to the several States to take effectual measures for importing or otherwise procuring, during the ensuing winter, such supplies of arms, tents, or other military stores, blankets, clothing, medicines, and other necessary articles for their respective Militia, as may be wanted for the next campaign, and that they report to Congress the species and quantity of military stores manufactured in their respective States; and thereupon

Resolved, That a committee of three be appointed to take the said recommendation of Congress into consideration and report thereon.

On motion, Messrs. Clowes, Bassett, and Jones are appointed a committee for the purpose.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., March 18th, 1778.

The Council met. Present the same members as on yesterday.

The committee appointed to prepare and bring in a bill for regulating the price of labor, manufactures, internal produce, and commodities imported from foreign parts, now delivered one at the table, which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., March 19th, 1778.

The Council met. Present the same members as on yesterday, except Mr. Hyatt.

A message from the Vice-President to the General Assembly, with the copy of a written paper, subscribed by the Representatives from the County of Sussex, addressed to the Vice-President, was delivered at the table, and, by order, read.

On motion

Resolved, That that part of the said message which relates to the application made to him for his orders to Brigadier Dagworthy, for the disarming of the disaffected in Sussex County and the taking up some of the principals, together with the copy of the written paper, be referred to a committee of three.

The persons appointed are Messrs. Vandyke, Collins, and Bassett.

The bill against desertion, being engrossed, was read and compared and passed the Council.

Ordered, That Mr. Baning deliver the same to the House of Assembly for comparison and to be signed by the Speaker of that House.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., March 20th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Baning now reported that he had delivered the bill against desertion to the House of Assembly according to the order of yesterday.

The committee to whom part of the message from the Vice-President of yesterday was referred now delivered their report at the table, which, by order, was read the first time.

By special order the same was read a second time, and, on consideration and debate, the same was rejected, and the following resolutions were agreed to, that is to say :

Resolved, That the Council is fully convinced that some of the disaffected inhabitants of the County of Sussex have taken up arms, much to the terror of the good people of said county and the encouragement of the British forces to land and make excursions there ; therefore

Resolved, That it is the opinion of this Council that, for the restoring peace and harmony in said county, the President of this State issue his orders immediately to General Dagworthy to disarm and take the ammunition from all the disaffected inhabitants of the said County of Sussex.

WHEREAS it has been represented that the recruiting officers have committed great abuses in the said County of Sussex,

Resolved, That the Justices of the Peace be directed to inquire into the foundation of the said complaints, and prevent such conduct in future.

Ordered, That Mr. Clowes wait on the House of Assembly with the foregoing resolutions for their consideration and concurrence.

Mr. Clowes, being returned, reported that he had delivered the same according to order.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., March 21st, 1778.

The Council met. Present the same members as on yesterday.

The Council adjourned to the 25th of this instant, March.

At a meeting of the Council at the Town of Dover, in the County of Kent, by adjournment, on Wednesday, the 25th day of March, Anno Domini 1778, a quorum of the House of Assembly not attending, the Council adjourned from day to day till Friday, March 27th, 1778.

FRIDAY, A. M., March 27th, 1778.

The Council met.

The following members appeared in the Council, viz :

For New Castle County—George Read (*Speaker*), Nicholas Vandyke, Peter Hyatt.

For Kent County—Richard Bassett, Thomas Collins, John Baning.

For Sussex County—John Jones, John Clowes.

General Patterson, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled "An act for the further security of the Government," for the consideration and concurrence of the Council, which, by order, was read the first time.

The Council resumed the consideration of the report of the committee for adjusting the accounts of the Militia of New Castle and Kent Counties for past service, and several amendments were proposed and agreed to.

On motion,

Ordered, That a committee be appointed to draw up those amendments and draught a message to the House of Assembly, assigning the reasons for making the same.

And thereupon Messrs. Bassett and Clowes are appointed for this purpose.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., March 28th, 1778.

The Council met. Present the same members as on yesterday.

The committee appointed to draw up the amendments as proposed in the Council to the report of the committee for adjusting the accounts of the Militia for New Castle and Kent Counties for past services, and also to draught a message to the House of Assembly assigning the reasons for making the same, now delivered their report, which, by order, was read the first time.

By special order the same was read the second time, and several amendments were proposed and agreed to. The said message and amendments are as follows, to wit :

1. In the general account for New Castle County, No. 1 and line 4 from the top, dele the words [bounty in Jerseys,] and insert instead thereof [pay and retained rations in September, 1777.]

2. After the charge, in same account, by Capt. William Robinson, No. 3, insert [of which, it appears by his account, that he received of George Latimer, the Paymaster, £ 72 : 10 : 0.]

3. After the charge, in same account, by William Woodland, No. 14, insert [of which, it appears by his account, that he received of George Latimer, the Paymaster, £ 10 : 0 : 0.]

4. After the charge, in same account, by Leonard Vandegrift, No. 20, insert [of which, it appears by his account, that he received of Captain Peter Hyatt £ 3 : 0 : 0.]

5. In the same account, under the head Col's Cantwell's Battalion, No. 4, Captain William Moody's Pay-roll, £ 158 : 10 : 10, deduct 35s., a charge of three weeks' service of John Moaris.

6. In the general account for Kent County, No. 1 and line 2d from the top, dele the words and figures [Charles Eustace, for medicines for said troop, £ 20.]

The said message follows in these words, viz :

Gentlemen :

The reasons inducing the Council to propose to your honora-

ble House the amendments to the report of the committee for adjusting the accounts of the Militia of New Castle and Kent Counties for past services, herewith sent, are as follow, to wit :

As to the first amendment, for that the charge, as stated in the general account, is not warranted by the voucher, it being for pay and retained rations, instead of a bounty in Jerseys.

As to the second amendment, the Council conceive it necessary to show upon the face of the general account the sum that the party charging hath already received ; otherwise he may receive a certificate from the President for the whole sum there carried out, which will entitle him to the payment thereof, therefore he will be in part paid twice for the same service.

As to the third and fourth amendments, the same reasons as in the second.

As to the fifth amendment, it appears by the information of one of the field officers of that battalion, Major Vandyke, that the charge of 35s. made for John Mearis, in Captain Moody's account, for three weeks' service, is wrong, and ought not to be allowed, he never having performed any such service.

As to the sixth amendment, it appears that the same charge is made and allowed in Captain Carty's account, therefore ought not to be separately made by Doctor Charles Eustace.

Ordered, That the same be transcribed, and that the message be signed by the Speaker.

Ordered, That Mr. Hyatt deliver the same, with the amendments and Militia accounts, to the House of Assembly.

Mr. Hyatt, being returned, reported that he had delivered the same according to order.

Adjourned till Monday morning, 10 o'clock.

MONDAY, A. M., March 30th, 1778.

The Council met. Present the same members as on Saturday.

General Patterson, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the report of the Committee for Militia Accounts in Sussex County, agreed to by the House of Assembly and sent for concurrence.

On motion,

Ordered, That the said report and accounts be referred to a committee of three to report thereon.

Messrs. Baning, Hyatt, and Bassett are appointed a committee for this purpose.

Doctor Ridgely, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following order of that House to wit :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, March 30, 1778.

“ *Ordered*, That Mr. Ridgely inform the Council that the following persons have been appointed conferees, on the part of this House, for the purposes declared in a resolution of both Houses of the 13th instant, viz : Ridgely, Craghead, and Kollock.”

Which was read and approved of.

The same member also delivered to the Chair the following resolution of that House, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, March 30th, 1778.

“ WHEREAS his Excellency John McKinly, Esq., our worthy President, taken by the enemy in September last, still remains a prisoner, with little prospect of exchange shortly, and the Speaker of the Council, who acts as Vice-President, requesting to be relieved from the duties of that office, as alone sufficient

“to employ the whole time and attention of any individual of the State ; therefore

“*Resolved*, That the place of President of the State be immediately supplied by the nomination and appointment of the General Assembly.

“*Ordered*, That Mr. Ridgely wait on the Council with the foregoing resolution for their concurrence, and inform them that, if assented to, the House of Assembly will meet the Council to put in nomination such persons who may be voted for as President at a subsequent meeting of both Houses, agreeable to the mode heretofore adopted and used.”

Which, by order, was read the first time.

By special order the same was read the second time and concurred in.

Ordered, That Mr. Clowes wait on the House of Assembly with the foregoing resolution, concurred in by the Council, and inform them that the Council will meet the House of Assembly, in the Assembly Room, to-morrow morning, at 10 o'clock, to put in nomination persons who may be voted for as President.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., March 31st, 1778.

The Council met. Present the same members as on yesterday.

Mr. Conwell appeared and took his seat in the Council.

Mr. Clowes, who was appointed to wait on the House of Assembly with their resolution to put in nomination persons for the place of President of this State, as concurred in by the Council, now reported the delivery thereof according to the order of yesterday.

Mr. Peery, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following notice of that House, to wit :

“IN THE HOUSE OF ASSEMBLY,
“TUESDAY, A. M., March 31st, 1778.

“*Ordered*, That Mr. Peery wait on the Council and inform
“them that this House is now ready to receive them and proceed
“to the nomination aforesaid.”

The Council proceeded to the Assembly Room, and there met the House of Assembly, when several persons were put in nomination for the office of President and their names taken down for the consideration of the members of both Houses.

Resolved, That the General Assembly meet in the Assembly Room, to ballot for a President of the State, at 3 o'clock this afternoon.

The Council adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met the House of Assembly in the Assembly Room and there, in General Assembly, proceeded to the election of a President for the State, and the members of both Houses, to wit : eight of the Council and sixteen of the House of Assembly, then present, having prepared tickets, with the name of the President to be appointed, and put the same into a ballot-box, the Speakers of the two Houses, in the presence of the other members, examined the ballot-box, and it appeared that twenty votes, out of twenty-four, were in favor of the Honorable Cæsar Rodney, Esquire.

Whereupon the said Cæsar Rodney, Esquire, is declared duly elected President of this State for the term of three years next

ensuing and until the sitting of the next General Assembly thereafter, and no longer, agreeable to the present Constitution or system of government.

On motion,

Resolved, That the Speaker of the Council nominate five members of the General Assembly to wait on the Honorable Cæsar Rodney, Esquire, and inform him of his election and appointment to the office of President of this State, and know whether he will accept the said office, and make report thereof to the General Assembly.

And thereupon Messrs. Vandyke, Clowes, Ridgely, Patterson, and Bryan are appointed for this purpose.

Then the General Assembly adjourned till to-morrow morning at 10 o'clock, to receive the report of the said committee.

The Council adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., April 1st, 1778.

The Council met. Present the same members as on yesterday.

Then the Council met the House of Assembly in the Assembly Room in order to receive the report of the committee appointed yesterday.

The committee delivered at the table General Rodney's answer, in writing, which was read, and follows in these words, viz :

"Gentlemen of the General Assembly :

"I received, yesterday afternoon, your message declaring
"me duly elected President of the Delaware State, and am fully
"sensible of the honor done me by the appointment ; but, as I
"am too conscious of my own inability to suppose your expectation will be answered by my acceptance, I hope I shall be
"excused. I think, nevertheless, that at a time like this it is the

“duty of every member of society to take such part in the civil line as shall be assigned him by government, if tolerably qualified; therefore, if the General Assembly cannot fix upon some other person more equal to that important duty, I shall, tho’ with the greatest diffidence, accept—in full confidence, however, that your honors will afford me every necessary aid in the due execution of the laws and otherwise supporting the civil government as now established under the authority of the people; and as the provision made for the President is by no means an ample one, that the General Assembly would not wish to add to the sacrifice I have already made by much more than ought to fall to the share of any one member of the community.

“CÆSAR RODNEY.

“Dover, April 1st, 1778.”

Ordered, That a certificate of the appointment of General Rodney to the office of President of this State, signed by the Speakers of the two Houses, and sealed with the Great Seal of the State, be made out and delivered to General Rodney.

Ordered also, That the same committee wait on Mr. President Rodney with the said certificate, and inform him that the General Assembly will take into their consideration that part of his answer respecting a further provision to be made for the President of the State than that which is already made by the laws of the State.

The committee report that they had delivered the aforesaid certificate to Mr. President Rodney, which he accepted, according to order.

Then the General Assembly adjourned till 3 o’clock in the afternoon, and the Council withdrew.

The Council adjourned till 3 o’clock, P. M.

EODEM DIE, P. M.

The Council met, and, on motion, the bill for the further security of the Government was read a second time and ordered to lie over till to-morrow morning.

On motion, the bill for regulating and limiting the prices of sundry articles of produce, &c., was read a 2d time and ordered to be recommitted to the same committee.

The Council adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., April 2d, 1778.

The Council met. Present the same members as on yesterday.

On motion,

Resolved, That the Speaker of the Council be authorized to administer as well the oath of allegiance and declaration of faith as the oath of office to the Honorable Cæsar Rodney, Esquire, now appointed President of this State, as directed by the 22d section of the system of government, and that the same be certified into the Secretary's office.

Resolved also, That the oath of office be in the form following, to wit :

I, Cæsar Rodney, do swear that I will well and truly, according to the best of my abilities and judgment, execute the office of President of the Delaware State, agreeable to the Laws and Constitution thereof, so help me God.

Which, by order, was read.

Ordered, That Mr. Baning wait on the House of Assembly with the foregoing resolutions for their consideration and concurrence.

Mr. Baning, being returned, reported that he had delivered the same according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and resumed the consideration of the bill for the further security of the Government, which, by order of yesterday, was postponed till to-day, and, after some time spent therein, ordered to lie over for further consideration.

Mr. Black, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the aforesaid resolutions of the Council, with the concurrence of the House of Assembly thereto.

The Speaker of the Council then waited on the President, and, being returned, reported to the General Assembly that he had administered as well the oath of allegiance and declaration of faith as the oath of office to his Excellency Cæsar Rodney, Esq., President of the Delaware State, in pursuance of certain resolutions of the General Assembly of this day.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., April 3d, 1778.

The Council met. Present the same members as on yesterday.

Mr. Patterson, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following resolutions of that House, to wit :

“IN ASSEMBLY, THURSDAY, April 2d, 1778.

“WHEREAS the late Judge of the Admiralty is appointed President of this State, whereby the former office is become vacant ; therefore

“*Resolved*, That the place of Judge of the Admiralty be immediately supplied by the nomination and appointment of the General Assembly.

“*Ordered*, That Mr. Patterson wait on the Council with the foregoing resolution for their concurrence, and inform them that, if assented to, the Assembly will meet the Council tomorrow morning at 10 o'clock, to put in nomination such persons who may be voted for as Judge of the Admiralty at a subsequent meeting of both Houses, agreeable to the mode heretofore adopted and used.”

Which, by order, was read and concurred in.

Ordered, That Mr. Clowes wait on the House of Assembly with the foregoing resolution, and inform them that the Council are ready to receive them in the Council Room and proceed in the nomination aforesaid.

Mr. Clowes, being returned, reported the delivery of the same according to order.

The Doorkeeper informed the Chair that the House of Assembly attended at the door and desired to be admitted, and they were admitted.

The Council and Assembly being met in the Council Room to put in nomination persons to be voted for as Judge of the

Admiralty of this State, agreeable to the order of the day, on motion,

Resolved, That a committee of five be appointed to wait on his Excellency, the President, and inform him that the General Assembly are now sitting for the purpose of putting in nomination persons to be voted for as Judge of the Admiralty, and know whether his Excellency would choose to attend that nomination.

Messrs. Jones, Hyatt, Craghead, Peery, and Hall are appointed for this purpose ; who, being returned, reported that his Excellency said he would wait on the General Assembly immediately.

The President attended in the General Assembly.

Then the members proceeded to put in nomination divers persons, whose names were taken down for the consideration of the members of both Houses.

On motion, agreed that the General Assembly now separate and meet at 3 o'clock this afternoon for the purpose of balloting for a Judge of the Admiralty out of the persons put in nomination in the morning.

Mr. Baning, a member of the Council, delivered to the Chair a message from the President to the Legislative Council, which follows in these words, viz :

“Gentlemen of the Legislative Council :

“Complaint is just now made to me, as Commander-in-Chief of this State, by Thomas White, Esquire, who says a Continental officer, in virtue of an order or resolution of Congress, has taken him into custody, and, as he believes, with a design to carry him out of the State. He says, further, that he is ready and willing to answer to any charge alleged against him, but thinks he ought to be charged within the State, &c.

“As the General Assembly is now sitting, I have thought proper to lay this complaint before the honorable the Council for their direction. I have also made the House of Assembly acquainted with it.

“CÆSAR RODNEY.

“April 3d, 1778.”

Which, by order, was read.

The Council, taking the said message into consideration,

Resolved, That the same be referred to a committee of both Houses, who may report severally thereon; and that the House of Assembly be requested to appoint a committee of their House to confer with a committee of Council on the subject matter of the said message this afternoon.

Resolved, That the President be informed of the foregoing resolution, and that it is the opinion of the Council that he issue his orders to the officer or officers in whose custody Mr. White is, that he or they do not remove him from the Town of Dover until the President shall give further order therein.

Ordered, That Mr. Baning wait on the House of Assembly, and also on the President, with a copy of the foregoing resolutions.

Mr. Baning, being returned, reported that he had delivered the same according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That Mr. Hyatt wait on the House of Assembly and inform them that the Council are sitting and are ready to receive the Assembly, when they shall think fit, in order to proceed in the ballot for a Judge of the Admiralty.

Mr. Hyatt, being returned, reported that he had so done according to order.

Mr. Hall, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the resolu-

tion of this day respecting the appointment of a committee of both Houses on the subject matter of the President's message, concurred in by the Assembly, who appoint, on the part of that House, Messrs. Craghead, Patterson, and Molleston.

And therefore Messrs. Jones and Vandyke are appointed conferees on the part of the Council, to meet this afternoon.

Mr. Conwell is ordered to inform the House of Assembly of the foregoing appointment ; who, being returned, reported that he had so done according to order.

The Doorkeeper informed the Chair that the House of Assembly attended at the door and desired to be admitted, and they were admitted.

The Council and Assembly being met in the Council Room,

On motion,

Resolved, That a committee of five be appointed to wait on his Excellency the President and inform him that the two Houses of Assembly are now sitting for the purpose of balloting for a Judge of the Admiralty and request his attendance.

Messrs. Clowes, Conwell, Lewis, Kollock, and Molleston are appointed for this purpose ; who, being returned, reported that the President said that he would attend immediately.

The President attended in the General Assembly, and the ballot being taken down, it appeared that Thomas Rodney, Esquire, was unanimously elected Judge of the Admiralty of this State.

Ordered, That a certificate of the election and appointment of Thomas Rodney, Esquire, to the office of Judge of the Admiralty, be made out and delivered to his Excellency the President, that Mr. Rodney may be commissioned accordingly.

Agreed that the two Houses now separate.

The committee to whom were referred the Militia accounts of Sussex County and the report of the committee for said accounts, now delivered their report at the table, which, by order, was read the first time.

By special order the same was read a second time and ordered to lie over for further consideration.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., April 4th, 1778.

The Council met. Present the same members as on yesterday.

The committee of Council appointed to confer with a committee of the House of Assembly on the subject matter of the President's message of yesterday, now delivered their report at the table, which, by order, was read and ordered to lie over for consideration until the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and, taking into consideration the report of the conferees on the subject matter of the President's message of yesterday, thereupon

Resolved, That if any person guilty of or charged with treason, felony, or other high misdemeanor, in any State, shall flee from justice and be found within this State, he ought, upon demand of the Governor or Executive power of the State from which such person flees to the President or Executive power of this State, containing the charge, to be delivered up and removed to the State having jurisdiction of the offence.

Resolved, That no inhabitant of this State ought to be taken out of the same to answer to a charge of a fact committed within this State ; that in every such case the trial ought to be by a jury of the vicinage where the same arose, and under the laws of the State.

Resolved, That a remonstrance be drawn up by the General Assembly, and transmitted by his Excellency the President, with the said Thomas White, to General Smallwood, claiming the said Thomas White as an inhabitant of this State, and that he be remanded by General Smallwood to the Executive power of this State, together with the charge against him, in order that the same may be heard, tried, and determined on under the laws of this State.

Resolved, That if General Smallwood, in obedience to any order of Congress, should send the said Thomas White thither, that the said remonstrance be sent with him ; and that Congress be requested to remand the said Thomas White to the Executive power of this State, together with his offence, in order that the same may be heard, tried and determined on in this State, if the fact he is charged with arose therein.

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence.

Mr. Hyatt is appointed to deliver the foregoing resolutions to the House of Assembly ; who, being returned, reported the delivery thereof according to order.

Mr. Clowes having applied for leave of absence till Monday next, the same is granted to him.

Mr. Craghead, a member from the House of Assembly, attending, was admitted and returned to the Chair the bill against desertion, signed by the Speaker of the House of Assembly.

Ordered, That the said bill be signed by the Speaker of the Council.

Which was accordingly done.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the bill entitled "An act against deser-

tion and harbouring deserters, or dealing with them in certain cases."

Mr. Conwell is appointed to deliver the foregoing resolution to the House of Assembly; who, being returned, reported the delivery thereof according to order.

Mr. Lewis, a member from the House of Assembly, attending, was admitted and returned to the Chair the said resolution with the concurrence of the House of Assembly thereto.

Adjourned till Monday morning, 10 o'clock.

MONDAY, A. M., April 6th, 1778.

The Council met. Present the same members as on Saturday, except Messrs. Collins and Vandyke.

Mr. Patterson, a member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolution of that House, viz :

"IN ASSEMBLY, P. M., April 4th, 1778.

"The House, taking into consideration a message from his Excellency the President of this State relative to the arrest of Thomas White, Esquire, by a Continental officer, said to be in pursuance of a resolve of the honorable Continental Congress,

"*Resolved*, That this House have full confidence in the wisdom and justice of Congress that they will not infringe the rights and privileges of this State, and therefore that they will not try the said Thomas White for any crimes which our laws have cognizance of."

Which, by order, was read and ordered to lie on the table.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and resumed the consideration of the report of the committee to whom the report of the committee for Militia accounts of Sussex County was referred, and thereupon agreed that the following alteration and amendment be made in the allowance to Lieutenant Colonel Conwell, to wit :

Deduct from £50 : 7 : 6 (the amount of his account), the sum of £7 : 10 : 0, being an overcharge for pay.

Ordered, That Mr. Clowes wait on the House of Assembly with the Militia accounts for Sussex County, and the foregoing amendment, for their consideration and concurrence.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., April 7th, 1778.

The Council met. Present all the members.

Mr. Clowes now reported the delivery of the Militia accounts and the foregoing amendment, according to the order of yesterday.

The Council resumed the consideration of the bill for the further security of the Government, and after some time spent therein the same was ordered to lie over for further consideration.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, April 8th, 1778.

The Council met, but a quorum of the members not attending, the Council adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., April 9th, 1778.

The Council met. Present all the members.

The Council again resumed the consideration of the bill for the further security of the Government, and several amendments being proposed and agreed to,

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence.

Mr. Clowes is ordered to deliver the said bill and amendments to the House of Assembly ; who, being returned, reported that he had delivered the same according to order.

The committee to whom the bill for regulating and limiting the prices of sundry articles of produce, &c., was recommitted, now delivered a bill at the table, which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee of Council appointed to confer with a committee of the House of Assembly on a resolve of Congress of the 22d November last respecting the opening of subscriptions for a loan of money, to be invested in Continental Loan-Office Certificates, informed the Chair that the conferees on the part of the Assembly had not yet met them, and prayed a longer time.

Mr. Clowes, one of the committee appointed to take into consideration a resolve of Congress of the 3d of September last respecting the importing or otherwise procuring a supply of arms, tents, &c., informed the Chair that the committee were not fully satisfied with the inquiries they had made into this business since their appointment, and therefore prayed a longer time.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., April 10th, 1778.

The Council met. Present the same members as on yesterday.

A member from the House of Assembly, attending, was admitted and delivered to the Chair the following resolutions of that House, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ THURSDAY, P. M., April 9th, 1778.

“ WHEREAS the honorable the Continental Congress, on the
“ 22d day of November last, among other things did resolve as
“ follows, viz :

“ *And whereas* the obstruction of the course of justice in any
“ State may not only prove injurious to its citizens, but also to
“ the circulation and credit of the currency of such State, and of
“ the United States,

“ *Resolved therefore*, That it be recommended to the several
“ States forthwith to take effectual care that justice be duly ad-
“ ministered within their respective jurisdictions, as well for the
“ recovery of debts as for the punishment of crimes and misde-
“ meanors.’

“ And this House, taking the said recommendation into con-
“ sideration, after some time spent thereon, came to the following
“ resolutions :

“ 1. That nothing so effectually tends to the preservation and
“ happiness of a State, and the peace and advantage of the in-
“ habitants, as the impartial administration of justice and due
“ execution of the laws, which blessing can only be obtained or
“ enjoyed by a wise and judicious appointment of persons to fill
“ the several Courts of judicature in the same.

“ 2. That it appears to this House that the late appointment
“ of Judges and Justices for some of said Courts hath not pro-
“ duced the said salutary effects, inasmuch as the place of resi-
“ dence of some is by no means calculated for the most easy
“ and convenient administration of justice ; others of them, so
“ appointed, have neglected to accept of the places to which
“ they were appointed, and, being unfriendly to the freedom and
“ independence of the United States, and the Government of this
“ State in particular, have fled to the open enemies thereof ; and
“ many of them that did accept have neglected to enforce the
“ laws of the State, to punish treason and traitorous practices, to
“ preserve the peace, to punish harbourers of deserters, to pre-
“ vent discriminating between Continental Currency and the Bills
“ of Credit emitted under the authority of the King of Great
“ Britain, and too generally neglected to attend the Courts of
“ Justice, thereby causing much confusion and dissatisfaction
“ among the inhabitants of this Government ; and some of them
“ have been convicted of a breach of the penal laws of the State,
“ thereby rendering themselves unworthy of so important a trust.

“ 3. That the appointment of two of the Judges of the Supreme
“ Court of this State who inhabit any one county thereof is in-
“ convenient, and tends to discourage persons who think them-
“ selves aggrieved by the determinations of inferior judicatures
“ from seeking redress.

“ 4. That it is the opinion of this House that the resignation

“of William Killen and John Cook, Esquires, of their commissions of Justices of the said Supreme Court (as they both reside in the same county), is the only legal way whereby the Legislature of this State may be enabled to remedy the inconvenience mentioned in the last resolution, by the appointment of one person residing in each county to be Justices of the said Court.

“5. That the Clerk of this House forthwith send copies of the two last resolutions to William Killen and John Cook, Esq’rs.

“6. That the General Assembly address the President of this State, desiring him to displace such of the present Judges and Justices of this State as he shall have good reason to believe have been guilty of any of the misdemeanors above recited.”

Which resolutions were, by order, read.

The Council now resumed the consideration of the bill for regulating and limiting the prices of sundry articles of produce, &c., and after some time spent therein, ordered to lie over for further consideration.

Mr. Craghead, a member from the House of Assembly, attending at the door, was admitted and returned to the Chair the Militia accounts of this State and the six amendments proposed thereto by the Council, three of which that House acceded to, and the remaining three they disagreed to, and the Council thereupon receded therefrom.

The House of Assembly also proposed the following addition to be made to the general account of the Militia of Kent County, to wit :

[46. William Hudson, per account, £5 : 10 : 1.]

To which the Council agreed.

The committee appointed to take into consideration a resolve of Congress of the 3d of September last respecting the importing or otherwise procuring a supply of arms, tents, &c., now delivered their report at the table, which, by order, was read the first time.

Mr. Hall, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair the following message from the Assembly to the Council, viz :

Gentlemen :

“The House of Assembly have taken into consideration the amendments proposed by your honorable House to the bill entitled ‘An act for the further security of the Government,’ and are sorry to say they cannot accede to divers of the same amendments, and therefore propose to your honorable House, as the most expeditious way of determining this business, the appointment of committees of both Houses to confer on the subject matter of the said amendments, who may report thereon.”

Which, by order, was read the first time.

By special order the same was read the second time, and, on motion,

Resolved, That an answer to the said message be drawn up.

Which was accordingly done at the table, and is as follows, to wit :

Gentlemen :

The Council have considered your message of this day relative to the amendments proposed by the Council to the bill entitled “An act for the further security of the Government,” and cannot concur in your proposition of committees of conference at this stage of the business, as we apprehend the more regular and expeditious mode would be for your honorable House to have sent the bill back to the Council with your accession to such of said amendments as your House concur in, and the reasons which induced you to reject the others. Those, perhaps, might induce the Council to recede from the amendments which you reject. If not, then a conference might be regularly brought about.

Which, by order, was read and approved of.

Ordered, That the same be signed by the Speaker of the Council.

Which was done accordingly.

Ordered, That Mr. Clowes wait on the House of Assembly with the said answer.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, April 11th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Clowes reported that he had delivered to the House of Assembly the answer from the Council to the message of the Assembly agreeable to the order of yesterday.

The resolutions of the House of Assembly respecting the administration of Justice, Judges, and Justices were, by order, read the second time, and thereupon

Resolved, That a committee of three be appointed to take the said resolutions into consideration and report thereon.

On motion, Messrs. Vandyke, Jones, and Collins are appointed a committee for this purpose.

The report of the committee appointed to take into consideration the resolve of Congress of the 3d of September last, respecting the importing or otherwise procuring a supply of arms, tents, &c., was now, by order, read the second time, and, after some consideration had thereon, that part of the report which related to the fitting out vessels for the importing of arms, &c., was disapproved of, and the other parts were referred to the same committee, to draw up a set of resolutions, founded thereon, to be adopted by the Council, and make report in the afternoon.

On motion of Mr. Hyatt for leave of absence till Tuesday next, the same is granted to him.

On motion of Mr. Conwell for leave of absence till Monday next, the same is granted to him.

Ordered, That the Militia accounts of this State, together with the papers and vouchers, be returned to the House of Assembly in order to be signed by the Speaker of that House, and that it be recommended to that House to provide for the payment and discharge of said accounts.

Mr. Jones is appointed to deliver the same to the House of Assembly; who, being returned, reported that he had delivered the same according to order.

Adjourned till Monday morning at 10 o'clock.

MONDAY, April 13th, 1778.

The Council met, but a sufficient number of members to form a House not attending, the Council adjourned till to-morrow morning, 10 o'clock.

TUESDAY, April 14th, 1778.

The Council met. Present all the members except Messrs. Hyatt, Conwell, and Clowes.

A member from the House of Assembly, attending, was admitted and delivered to the Chair "An act for establishing a Militia within this State," which, by order, was read the first time.

The same member also delivered to the Chair the bill for the further security of the Government, and the amendments proposed thereto by the Council, some of which the House of Assembly had acceded to, and disagreed to the others; with an answer from the House of Assembly to a message from the Council, assigning their reasons for disagreeing to the same, which follows in these words, viz :

"Gentlemen :

"When we proposed to your honorable House the appointment of a committee of conference on the subject matter of the amendments proposed by you to the bill for the further security of the Government, we had in view the dispatch of business only ; but as you were not pleased to agree with our proposed conference, we now send you the said bill, with our reasons for not acceding to such of your amendments as have been rejected by this House.

"Your proposed amendment for leaving out the word [May], in the 13th line of the first page, and inserting instead thereof the word [July], we cannot agree to, because we think it is now time

“for every inhabitant of this State to determine within himself whether he will be for or against it. But as the first of May is too short a time to carry the law into execution, we now propose an amendment to the amendment proposed by your honorable House, by leaving out the word [July] and inserting instead thereof the word [June].

“Your 6th proposed amendment, for leaving out the word [defend], this House cannot accede to, because we think every person who receives protection from the laws of this State ought to render his service in defence thereof.

“Your 7th amendment, for leaving out the words [and the Constitution thereof as now established], we cannot agree to, because the Constitution of this State hath pointed out a way by which the same may be altered.

“Your 27th amendment, for leaving out the whole of the 6th enacting clause after the word [juryman] and inserting instead thereof [and under the aforesaid disabilities shall remain, &c.,] this House have not acceded to, because they are of opinion a line of discrimination ought to be drawn between those who now acknowledge their allegiance to this State and the Government thereof and those who refuse or neglect to do the same; and every inhabitant of this State who shall neglect or refuse to acknowledge his allegiance thereto, in the time limited by the laws thereof, will not be entitled to the immunities and protections of the same so long as he shall neglect giving testimony of his attachment and fidelity to the Constitution of this State, and ought not to be permitted to enjoy the privileges derived from its laws, until he give satisfaction that he hath not injured the freedom thereof.

“Your 32d amendment, proposing the leaving out of the whole of the 10th enacting clause and instead thereof inserting [*And be it enacted by the authority aforesaid, That the Justices of the several Counties, &c.,*] this House cannot agree to, for the same reason by them given for not acceding to the 27th amendment.

“The other amendments proposed by your honorable House are acceded to by the House of Assembly.”

Which, by order, was read the first time.

The committee appointed to draw up a set of resolutions, founded on the report of the committee appointed to take into consideration a resolve of Congress of the 3d of September last, respecting the importing or otherwise procuring a supply of arms, &c., now delivered a set of resolutions at the table, which, by order, were read and approved of, and are as follows, viz :

Resolved, That the President be empowered to procure, on loan or purchase, for and in behalf of this State, any number of arms and quantity of ammunition that he may think necessary for the defence of the State the ensuing campaign.

Resolved also, That the President be requested to apply to the commanding officer of the Delaware Battalion for leave to detain under his enlistment a certain John Watkins, by trade an armourer (a soldier in said battalion), for the purpose of repairing the arms in the hands of the Militia, and also those belonging to the State.

Resolved also, That the President be requested to appoint one or more persons whose business shall be to enter into a contract with the said John Watkins for his labor and the use of his tools, at any sum not exceeding £15 per month and a soldier's Continental ration per day, and to provide a shop in or near the Town of Dover for the said Watkins to work in, and to superintend him in the said business.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., April 15th, 1778.

The Council met. Present all the members.

The answer from the Assembly to the message from the Council, setting forth their reasons for disagreeing to some of the amendments to the bill for the further security of the Government, was now read a second time, and the Council proceeded to the consideration of the amendments disagreed to by the House of Assembly severally, and, upon the question,

The Council receded from the 3d amendment and agreed to the month of June being inserted instead of the month of July.

As to the 6th, 7th and 27th amendments, the Council adhered to the same.

As to the 32d amendment, the Council adhered to the first and last part thereof, but receded from the clause requiring the members of Assembly and officers, &c., to take the oath, &c., within one month, &c.

As to the 33d amendment, the Council adhered to the same, with the alteration of the month of July for June, to make the same correspond with the first clause in the bill.

And thereupon Messrs. Collins and Vandyke were appointed a committee to draw up a message to the Assembly containing reasons for adhering to the amendments as aforesaid.

The committee to whom the resolutions of the House of Assembly of the 9th instant, respecting the administration of justice, &c., were referred, now delivered their report at the table, which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, the bill for establishing a Militia within this State was, by order, read the second time and ordered to lie over for further consideration.

On motion, the bill for regulating and limiting the prices of sundry articles of produce, &c., was now read by paragraphs, and, after some consideration had thereon, was ordered to lie over till to-morrow morning.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., April 16th, 1778.

The Council met. Present the same members as on yesterday.

On motion made that the Council now proceed on the regulating bill, partially gone through on the last evening, and the question being put, the House are equally divided, and the Speaker decided in favor of the question, and, on motion of Mr. Clowes, that the yeas and nays be entered on the question, they are as follows, viz :

For the affirmative—Thomas Collins, John Baning, Richard Bassett, Nicholas Vandyke.

For the negative—John Clowes, William Conwell, Peter Hyatt, John Jones.

And the Council accordingly proceeded on the said bill, and after divers amendments proposed and agreed to, the same passed the Council, and was ordered to be transcribed and sent to the House of Assembly for their concurrence.

Ordered, That Mr. Hyatt deliver the said bill and amendments, and also the resolutions of the Council of the 14th instant respecting the procuring a supply of arms and ammunition and engaging an armourer for the use of the State, to the House of Assembly.

Mr. Armstrong, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled "An act to enable Charles Pope, of the County of Kent, his heirs, executors or administrators, to erect a bridge over Duck Creek ;" and also two several petitions, the one by the said Charles Pope, praying for leave of the General Assembly to erect a bridge over Duck Creek, the other, signed by sundry inhabitants of Duck Creek, praying that the same may not be granted, to the destruction or damage of a public wharf and landing place there.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and resumed the consideration of the resolutions of the House of Assembly respecting the administration of justice, &c., and the report thereon, and, after some amendments made, the same was postponed till to-morrow morning.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., April 17th, 1778.

The Council met. Present the same members as on yesterday.

The Council proceeded in the consideration of the resolutions respecting the administration of justice, and agreed to further amendments.

Ordered, That Messrs. Vandyke and Jones be a committee to draw up a message to the House of Assembly stating the reasons for these amendments.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Hyatt now reported the delivery of the papers given to him in charge to the House of Assembly according to the order of yesterday.

The committee appointed to draw up a message to the House of Assembly, stating the reasons of the Council for adhering to their amendments to the bill for the further security of the Government, disagreed to by the House of Assembly, now brought one in, which, being read and agreed to, is as follows, viz :

Gentlemen :

The Council, taking into consideration as well those amendments which they had proposed to the bill for the further security of the Government, and disagreed to by your honorable House, as the amendments proposed by your House to our third amendment, do recede from their 3d amendment and agree to insert the word [June] instead of the word [May], as in the bill.

As to their 6th amendment, they adhere to the same, for that the word [defend] may be construed by some to extend to bearing arms ; and although it is very just that whoever has protection under a government is bound to defend the same, yet that defence is not to be required but agreeable to law founded on the principles of the Constitution. It is well known that some inhabitants of this State are conscientiously scrupulous to bear arms in any case, and under the 10th article of the Bill of Rights are not to be compelled to yield personal service if they will pay an equivalent for the same.

As to their 7th amendment, they adhere to the same, for as much as the greater part of the articles of the Constitution are subject to an alteration by an express provision in the 30th article thereof, and no person should be compelled to support it *as now established*.

As to their 27th amendment, they adhere to the same, for that

the words following the word [juryman], in that clause of the bill, are too general and uncertain ; and as it is not the intention of the House of Assembly, appearing from the 9th clause of the bill, to prevent those who do not take the test by the time limited therein when the disabilities are to take place from taking it any time after, the Council cannot foresee any advantage which can arise to the State by obliging such persons to produce vouchers.

As to the 32d amendment, the Council adhere to that part of it which proposes the leaving out of the bill the 9th enacting clause, the same being provided for in their 27th amendment, adhered to as aforesaid; and they also adhere to the latter clause, as proposed therein, which provides for persons under age at the time limited in the bill for taking the test to take the same within three months after, except as to the word [July], in the 3d line of the clause, instead of which insert the word [June], to make the same correspond with the first clause in the bill ; but the Council recede from that part of the said amendment which directs members of Assembly and officers to take the oath, &c., within one month after publication, &c., rendered unnecessary by adopting the word [June] in the third amendment.

As to the 33d amendment, the Council adhere thereto, with the alteration of the word [July], in the 5th line of the clause, to the word [June], for that it is a necessary provision in consequence of the 27th amendment adhered to, and for that the clause which it is to supply is inaccurate and defective.

Ordered, That the same be transcribed and signed by the Speaker, which being done,

Ordered, That Mr. Conwell deliver the said message and bill, with the list of amendments, to the House of Assembly.

Mr. Clayton, a member from the House of Assembly, attending, was admitted and delivered to the Chair a message from the President to the House of Assembly, founded on a letter which he had received from Governor Johnson, of Maryland, requesting that some of the Militia of this State might join and act with the several companies ordered by the State of Maryland for the purpose of covering the Continental stores purchased in these two States in their removal to the magazines, together with Governor Johnson's letter, which, by order, were read.

The same member also delivered the following resolution of the House of Assembly, founded on the President's message and Governor Johnson's letter, viz :

“IN THE HOUSE OF ASSEMBLY,
“THURSDAY, P. M., April 16th, 1778.

“*Resolved*, That upon consideration of the present circumstances of the State, this House cannot expediently concur in
“the above mentioned message of his Excellency the President,
“and that Mr. Clayton wait on the Council and lay before them
“the said message and the letter therein referred to.”

Which, by order, was read the first time.

The committee of the Council appointed to confer with a committee of the House of Assembly on a resolve of Congress of the 22d of November last, respecting the opening of subscriptions for the loan of money to the United States on Continental Loan-Office Certificates, now delivered their report at the table, which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., April 18th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Conwell reported that he had delivered to the House of Assembly the message and bill, with its amendments, according to the order of yesterday.

The resolution of the House of Assembly, founded on the President's message and Governor Johnson's letter, was read a second time, and the following alteration or amendment was proposed and agreed to, viz :

Resolved, That it be recommended to the President to afford such aid from the Militia of this State, to act in conjunction with

those of the State of Maryland, in covering the Continental stores purchased in this State and on the Eastern Shore of Maryland in their removal to the magazines, as he shall think may be spared from the State, having regard to the protection of the inhabitants and their property on the shore of the Delaware, and the reinforcing of General Smallwood, agreeable to his prior requisition.

Ordered, That Mr. Conwell return the resolution aforesaid, with the amendment aforesaid, for concurrence.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Mr. Peery, a member from the House of Assembly, attending, was admitted and delivered to the Chair the bill for the further security of the Government, with the amendments of the Council thereto.

The same member also delivered to the Chair the following answer from the House of Assembly to a message from the Council, to wit :

"Gentlemen :

"The House of Assembly have taken into their consideration your message of yesterday containing the reasons of your honorable House for adhering to divers amendments by you proposed to the bill for the further security of the Government, and cannot accede to any of the amendments therein mentioned to be adhered to by the Council, and therefore propose to your House the appointment of committees of both Houses to confer on the subject matter of the said amendments, to meet at 3 o'clock this afternoon, who may report thereon."

Which, by order, was read, and the Council thereupon acceded to the proposition of the House of Assembly for the appointment of a committee of conferees on the subject matter of the amendments proposed by the Council to the bill for the further security

of the Government, and named Messrs. Bassett and Baning on the part of the Council.

Ordered, That Mr. Conwell wait on the House of Assembly with the concurrence and appointment aforesaid.

The committee appointed to draw up a message to the House of Assembly, stating the reasons which induced the Council to reject the 2d and 6th resolves of the House of Assembly respecting the administration of justice, &c., now delivered one at the table, which, by order, was read the first time.

By special order the same was read a second time and ordered to be transcribed and signed by the Speaker, and follows in these words, to wit :

Gentlemen :

The Council have considered your resolution respecting the administration of Justice, Judges, &c., and have rejected the second and sixth for the following reasons, to wit :

The second, for that the same contains general charges against the officers of the State, and the allegations therein we conceive ought to have been communicated to the Council, by way of message, requesting that a mode of removal might be adopted by the General Assembly, or a joint committee of both Houses.

The sixth, because the officers to be removed on the address of the General Assembly ought to be named, otherwise the President would be obliged to inquire what persons should be removed, which would be to make him the judge, and not the General Assembly, to whom that right properly belongs under the Constitution of this State.

We apprehend that by the 23d article of the Constitution three modes are pointed out by which officers may be displaced, to wit: By impeachment before the Legislative Council; conviction at common law, or on the address of the General Assembly. By the last, the General Assembly have a power to call such persons before them, inquire into their conduct, and, if they appear improper for such offices, to supercede them by a new appointment and address to the President to commission the persons so appointed.

The Council have proposed amendments to the third, fourth,

and fifth resolves, which are transmitted to your House herewith; the others they have acceded to.

Ordered, That Mr. Conwell wait on the House of Assembly with the foregoing message and resolves of the House of Assembly, with the amendments proposed thereto by the Council.

Adjourned till Monday morning, 10 o'clock.

MONDAY, A. M., April 20th, 1778.

The Council met. Present the same members as on Saturday, except Messrs. Bassett, Vandyke, and Collins.

Mr. Conwell reported that he had delivered to the House of Assembly the several papers given him in charge according to the order of Saturday.

On motion, the consideration of the bill for establishing a Militia within this State was resumed, and after some time spent thereon was postponed.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Hall, a member from the House of Assembly, attending, was admitted and returned to the Chair the amendment proposed by the Council to the resolve of the House of Assembly upon the President's message to the House of Assembly of the 16th of this instant, founded on the requisition from Governor Johnson, concurred in by the House of Assembly.

Ordered, That a certified copy of the said resolve, as now agreed to, be delivered to the President.

The same member informed the Chair that Messrs. Patterson, Armstrong, and Peery are appointed, on the part of the House of Assembly, to confer with the committee of Council on the subject matter of the amendments proposed by the Council to the bill for the further security of the Government.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., April 21st, 1778.

The Council met. Present the same members as on yesterday, and also Messrs. Vandyke and Collins.

The Council proceeded on the consideration of the bill for establishing a Militia, and after some amendments proposed and agreed to, the remaining clauses were postponed for further consideration.

Mr. Clark, a member from the House of Assembly, attending, was admitted and returned to the Chair the resolutions of the Council of the 14th instant, respecting the procuring a supply of arms and ammunition, &c., with several amendments proposed thereto by the House of Assembly.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee of Council appointed to confer with the committee of the House of Assembly on the subject matter of the amendments proposed by the Council to the bill for the further

security of the Government, now delivered their report at the table, which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, April 22d, 1778.

The Council met. Present the same members as on yesterday.

On motion, the consideration of the bill for establishing a Militia was resumed, and after some time spent thereon the same was postponed.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, April 23d, 1778.

The Council met. Present the same members as on yesterday.

The Council proceeded in the consideration of the bill for establishing a Militia, and after some time spent thereon the same was postponed.

Mr. Craghead, a member from the House of Assembly, attending, was admitted and delivered to the Chair "Rules and articles for the better regulating of the Militia;" and also certain resolutions of the House of Assembly for borrowing, upon the credit of the State, 7,500 dollars.

The same member also returned to the Chair the amendments proposed by the Council to the resolutions of the House of Assembly respecting the administration of justice, &c., two of which said amendments the House of Assembly had agreed to, and to the remaining two they had disagreed; their reasons for disa-

greeting to which are set forth in a message to the Council, delivered at the same time, which follows in these words, viz :

“Gentlemen :

“The Assembly have considered your message of the 18th of April, likewise the amendments proposed to their resolutions respecting the administration of justice, &c., and are of opinion that the reasons given by the honorable Council are insufficient to induce us to accede to the first and second amendments proposed ; therefore cannot recede from our second resolution, because the allegations therein mentioned we believe to be self-evident and well-attested facts, known to have been committed by several of the Judges and Justices in some of the counties within this State, and therefore were alleged generally, that those guilty of the facts mentioned therein may be more properly pointed out in an address to the President by the General Assembly ; neither has the honorable Council denied the facts therein mentioned, and if wholly rejected would make the resolutions testify that the appointment of two Judges of the Supreme Court, who resided in one county (though gentlemen of character), was the only grievance or inconvenience that hath been or now doth exist in the Executive Department, and that justice in every other part hath been duly administered, which, we believe, cannot be verified.

“The Assembly adhere to their third resolution, because no reason appears to them or is assigned by the Council for altering the same.

“The third and fourth amendments proposed are acceded to by the Assembly.

“Should the honorable Council remain dissatisfied as to the propriety of our second resolution, we beg leave to propose to your House a committee of conference on the subject matter therein contained.”

Which, by order, was read the first time.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, April 24th, 1778.

The Council met. Present the same members as on yesterday.

The consideration of the bill for establishing a Militia was resumed, and after some time spent thereon was postponed till to-morrow.

Mr. Conwell having applied for a leave of absence for a few days, the same is granted to him.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, April 25th, 1778.

The Council met. Present the same members as on yesterday, except Mr. Conwell.

The Council now proceeded on the further consideration of the bill for establishing a Militia, which by the order of yesterday was postponed till to-day, and sundry amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent to the House of Assembly for concurrence; and that Mr. Clowes wait on the House of Assembly with the said bill and its amendments.

Adjourned till Monday morning, 10 o'clock.

MONDAY, April 27th, 1778.

The Council met, but a quorum of the members not attending, the Council adjourned till to-morrow morning, 10 o'clock.

TUESDAY, April 28th, 1778.

The Council met, but a quorum of the members not attending, the Council adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., April 29th, 1778.

The Council met. Present all the members, except Messrs. Hyatt and Conwell.

The amendments proposed by the House of Assembly to the resolutions of the Council of the 14th instant, respecting the procuring a supply of arms, &c., were, by order, read, and further amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent to the House of Assembly.

Mr. Clowes is appointed to deliver the same to the House of Assembly for concurrence.

The resolutions of the House of Assembly for borrowing, upon

the credit of the State, 7,500 dollars, were, by order, read the first time.

The rules and articles for the better regulating of the Militia, were, by order, read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Conwell now appeared and took his seat in the Council.

Upon motion and order,

The report of the committee of conference to whom the resolves of Congress of the 22d of November last, respecting the opening of subscriptions for the loan of money on Continental Loan-Office Certificates, were referred, was read a second time, and thereupon

Resolved, That three persons in each County of this State be appointed by the General Assembly for the purpose of promoting and taking subscriptions, specifying the names of persons willing to lend money to the United States of America on Continental Loan-Office Certificates, and the sums they respectively undertake to furnish on such certificates, not less than 200 dollars on any one certificate.

Resolved also, That subscription papers for the purpose aforesaid be put into the hands of the persons so appointed, of the tenor following, to wit :

We, the subscribers, do hereby engage to pay, on demand, into the hands of the Commissioner of the Continental Loan Office for the Delaware State, the sum or sums of money to our respective names annexed, for and in lieu of the said office certificates.

A copy whereof, when subscribed by any number of persons, shall be transmitted by the persons respectively taking the same, at least once in four months, to the Commissioner of the Continental Loan Office of the State, and a duplicate thereof by him forthwith sent to Congress, that they may be enabled, as far as is practicable, to ascertain the supplies for the war which may be raised in this State upon Loan-Office Certificates.

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence.

Mr. Clowes is appointed to deliver the same to the House of Assembly.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., April 30th, 1778.

The Council met. Present all the members, except Mr. Hyatt.

Mr. Clowes now reported that he had delivered to the House of Assembly the several papers given to him in charge, according to the order of yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The rules and articles for the better regulating of the Militia were, by order, read a second time, and sundry amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent to the House

of Assembly for their consideration and concurrence, and that Mr. Conwell deliver the same, with their amendments, to the House of Assembly.

A petition, signed by divers inhabitants of Murtherkill and Jones' Hundreds, praying the aid of the Legislature in establishing guards on the shore of the Delaware, particularly at the mouths of Murtherkill and Jones' creeks, was delivered at the table, and, by order, read the first time.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., May 1st, 1778.

The Council met. Present all the members, except Mr. Hyatt.

Mr. Conwell reported that he had delivered to the House of Assembly the rules and articles for the better regulating of the Militia, with their amendments, according to the order of yesterday.

Mr. Armstrong, a member from the House of Assembly, attending, was admitted and returned to the Chair the resolutions of the Council respecting the procuring a supply of arms and ammunition, &c., with the several amendments to the same.

The same member also returned to the Chair the resolutions of the Council respecting the opening of subscriptions for the loan of money on Continental Loan-Office Certificates, with an amendment thereto by the House of Assembly, which, being severally read and agreed to, were ordered to be transcribed and sent to the House of Assembly in order to be signed by the Speaker of that House.

Mr. Bassett is appointed to deliver the same to the House of Assembly.

The message from the House of Assembly of the 23d of April,

containing their reasons for disagreeing to certain amendments of the Council to their resolutions respecting the administration of justice, &c., was, by order, read a second time, and thereupon

Resolved, That a committee of two be appointed to draw up an answer to the said message, expressing the reasons of the Council for adhering to their amendments to the said resolutions.

On motion, Messrs. Vandyke and Jones are appointed a committee for this purpose.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The report of the committee of Council appointed to confer with a committee of the House of Assembly on the subject matter of the amendments proposed by the Council to the bill for the further security of the Government, was, by order, read a second time and postponed.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., May 2d, 1778.

The Council met. Present the same members as on yesterday.

Mr. Bassett reported that he had delivered to the House of Assembly the several papers given to him in charge, according to the order of yesterday.

The committee appointed to draw up an answer to the message

from the House of Assembly of the 23d of April, now delivered a draught of one at the table, which, by order, was read the first time.

On motion of Mr. Jones, for leave of absence till Thursday next, on account of his indisposition, the same is granted to him.

The petition from the inhabitants of Murtherkill and Jones' Hundreds, praying the aid of the Legislature in establishing guards, &c., was read a second time, and thereupon

Resolved, That a committee of three be appointed to take the said petition into their consideration and report some plan whereby guards may be fixed according to the prayer of the said petitioners.

On motion, Messrs. Vandyke, Collins and Clowes are appointed a committee for this purpose.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The Council, taking into consideration the resolutions of the General Assembly of the 25th of February last, for completing of the Delaware Regiment, and it appearing that the deficiency in the number therein mentioned hath not as yet been made up, and that the time limited in the said resolves for the premium to the recruiting officers and the additional bounty to each soldier enlisted expired on the first of this instant; therefore

Resolved, That the premium and bounty allowed to the officer and soldier, as mentioned in the said resolves, be continued till the first day of July next.

Resolved also, That it be recommended to the President that he make application to General Smallwood, or such other persons

as he may think proper, for a suitable number of officers belonging to the same battalion to be continued on the recruiting service.

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence.

Mr. — is appointed to deliver the same ; who, being returned, reported that he had delivered the same according to order.

Adjourned till Monday morning, 10 o'clock.

MONDAY, May 4th, 1778.

The Council met, but a quorum of the members not attending, the Council adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., May 5th, 1778.

The Council met. Present all the members, except Messrs. Hyatt and Jones.

Mr. Craghead, a member from the House of Assembly, attending, was admitted and returned to the Chair the resolutions of the Council respecting the procuring a supply of arms and ammunition, &c., concurred in by the House of Assembly. Also the resolutions of the Council respecting the opening of subscriptions for the loan of money on Continental Loan-Office Certificates, concurred in by the House of Assembly ; and also the resolutions of the Council for completing the Delaware Regiment, with the concurrence of the House of Assembly thereto.

The same member likewise delivered to the Chair the Militia bill and the amendments proposed thereto by the Council ; some

whereof the House of Assembly have rejected, and to others they have agreed, with an additional amendment proposed thereto by the House of Assembly, and the following message, to wit :

“Gentlemen :

“The House of Assembly, having considered the amendments proposed by your honorable House to the act entitled “An act for establishing a Militia within this State,” do agree to many of them, but cannot approve of all, the House still being of opinion that it is necessary to have two sub-lieutenants as well as one lieutenant in each county to carry into due execution the Militia law, have therefore rejected the 1st, 2d, 3d, 4th, 12th, 17th, 27th, 40th, 45th, and 46th amendments, because, by admitting them, the advantages expected from those officers would be lost to the Militia.

“The House have disagreed to the 37th amendment, because they do not perceive any advantage from the variation of expression therein proposed by your honorable House. The 71st amendment is rejected, as being merely consequent to the 37th.

“The House agree, in part, with the Council in the 47th amendment, and propose, as an amendment to it, to leave out the particle [a], before the word [colonel], and adding the letter [s] to the end of the word [colonel]. That part of the proposed amendment for leaving out all the words following the word [regiments], in the fifth line of the 15th enacting clause, the House cannot agree to, as depending on the first amendment proposed by Council and rejected by the Assembly.

“The House have disagreed to the 61st amendment, because they are of opinion that the fine, as it stands in the bill, does not, by any means, exceed the offence that a commissioned officer would be guilty of in neglecting to attend his duty on alarms. The same reason influenced the House in rejecting the 62d amendment.

“The House, apprehending that the 21st section of the bill has already provided for the government of the Militia of this State, at all times and places, as well within as without the State, by such articles of war only as may be established by the General Assembly, and also apprehending that the honorable Continental Congress have fully provided, in their articles of

“of war, that the Militia of the respective States should always, “when called into Continental service, be governed by the articles and regulations of their own States only where such articles and regulations were made by the Legislature, and have “therefore rejected the 73d amendment as unnecessary.

“The 81st amendment the House of Assembly cannot accede “to, because they conceive that sufficient provision is made for “preventing any imposition and injustice in 14th section, 15th “page. They further conceive that if the amendment proposed “was agreed to, such delays might and would happen in the “courts of law as would defeat the intention of the act.

“The House have rejected the 82d amendment, because they “are of opinion that nothing in the act will, in any measure, “invalidate the act entitled ‘An act for the more speedily completing the quota of troops to be raised in this State for the “Continental army.’

“Besides the amendment proposed to the 47th amendment, “made by your honorable House, the Assembly have made “some small amendments to the bill, and also some amendments “to several of the amendments made by the Council, which are “sent up to your honorable House for consideration.”

Which, by order, was read the first time.

By special order the same was read a second time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Derrickson, a member from the House of Assembly, attending, was admitted and delivered to the Chair the rules and articles for the better regulating of the Militia, with the amendments proposed thereto by the Council, agreed to by the House

of Assembly, and an additional amendment proposed by the House of Assembly.

The same member also delivered to the Chair the following notice of that House, to wit :

“ IN THE HOUSE OF ASSEMBLY,

“ TUESDAY, A. M., May 5th, 1778.

“ On motion,

“ *Resolved*, That it is the intention of this House to adjourn
“ on Saturday next, for this present sitting, to some future day,
“ and that Mr. Derrickson wait on the Council with a copy of
“ this resolution.”

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., May 6th, 1778.

The Council met. Present all the members, except Mr. Jones.

Mr. Clark, a member from the House of Assembly, attending, was admitted and delivered to the Chair “A bill to increase the number of the Justices of the Peace in each of the Counties of this State.”

The Council now resumed the consideration of the Militia bill and such of the amendments which had been proposed by the Council to the House of Assembly and either disagreed to by the Assembly generally or further amendments proposed and have receded from several of their said amendments, whereupon a second paper of amendments was proposed by the Council to the amendments of the House of Assembly, and an answer from the Council to the message of the House of Assembly of yesterday, stating their reasons for adhering to their other amendments, was drawn up at the table, which, being read and approved of, is as follows, viz :

Gentlemen :

Upon a review of the Militia bill and such of the amendments which had been proposed by the Council to your honorable House, and either disagreed to by you generally or further amendments proposed, the Council have receded from their several amendments which were made for the purpose of excluding the appointment of such officers as sub-lieutenants, upon the supposition that they may be, as you suppose, necessary officers for carrying the law into due and immediate execution, or lest any failure in the execution might be imputed to such an alteration in the bill. But the Council cannot agree to your fourth amendment, proposing the leaving out of the word [schoolmasters], mentioned in our 31st amendment, as we consider the very few engaged in that service so necessary for the education of the youth of the State that every encouragement should be given to them to pursue that business with the strictest attention. Every parent who reflects upon or regards the welfare of his offspring, every guardian of the rights of a free people, must wish to encourage and promote learning; and such has been the fatal effects of the times on schools and seminaries of learning in this State that we think it worthy the attention of the Legislature to afford at least the proper exemption to the teachers in them. But lest this exemption might be improperly used by setting up pretended schools, we have proposed an addition after the word [schoolmasters], as in No. 4 of our second amendments.

The Council adhere to their 37th amendment, as well as to the transposing of the paragraph, for that by our amendment it will be connected with a provision of the like nature as to the lengthening of the time for the election of the company officers; for that the Council think it too short as it stands in the bill.

As to the 44th amendment, the Council are of opinion that the amendment proposed thereto by your House will raise the fine beyond the abilities of most of the poorer delinquents to pay; it will rather tend to prevent the execution of the law than further it. An additional amendment is proposed for dividing the quantum of the fine, and doubt not that it will appear so to your honorable House on further consideration. As to our 47th amendment, we apprehend that we have acceded to it in the form the House of Assembly intended it should be, though somewhat different from the form pointed out in your amendment thereto.

The Council have acceded to the first part of your amendment stated in No. 8, but they cannot agree to the latter part thereof, as they are of opinion that persons qualified to do the duties of lieutenants or sub-lieutenants could not be had to accept of a temporary appointment by the President, subject to a sudden removal by the General Assembly; and the Council apprehend it necessary to strengthen the hands of the Executive Department, to render it useful, and give a necessary influence for the due execution of the laws.

As to the clause in our 81st amendment, providing an appeal from the determination of a single Justice upon a fine that may amount to one hundred and seventy pounds or more on a single person, we cannot recede therefrom, as we think it a very necessary guard against the fallibility of such a judicature and consistent with the spirit of our laws, which we ought not to loose sight of lest precedents of this sort should take place and destroy that liberty and property we are so anxiously contending for and seeking after. The delay cannot be great, unless we suppose the Courts of Justice, upon the appeal, shall not think themselves bound by the express provision made for a speedy determination, which is not to be inferred; for, if so, the same suspicion will lie against the single Judge, who will otherwise act without control or review.

The Council adhere to their 82d amendment, for that they have their doubts as to the operation of the Militia law upon the prior act for the more speedily completing the quota of troops to be raised in this State for the Continental army; and if the Judge or Judges, who are to determine thereon hereafter, should doubt also, they will be subjected to difficulties which will be removed by adopting our amendment; and as the House of Assembly, from their reason assigned for rejecting the amendment, shew expressly that it is not their intention to invalidate that act, they can have no objection to remove the doubts of the Council by acceding to the amendment.

As to the 10th amendment, proposed by the House of Assembly to be added to the 13th section of the bill, the Council agree to the same, but have thought it just and necessary that a further addition should be made there, as set down in the further amendment accompanying this answer, No. 7, providing for such among us who may be conscientiously scrupulous of bearing arms in any

case, agreeable to the spirit as well as the express words of the 10th clause in our declaration of rights, for that the Council are of opinion that the several fines that those sort of people will be subjected to under the present law will be a full equivalent for their protection and defect of personal service, independent of the accumulated fine for not going out upon a second call of the same class in any one year.

The Council think it unnecessary to particularize each of their further amendments, as those unnoticed depend on the like reasons assigned on their similar amendments, and therefore refer your honorable House to the further amendments set down in their second paper of amendments delivered with the answer.

Ordered, That the said answer and amendments be transcribed and sent by Mr. Hyatt to the House of Assembly.

The committee to whom was referred the petition from sundry inhabitants of Murtherkill and Jones' Hundreds, praying the aid of the Legislature in establishing guards, &c., now made their report, which, by order, was read the first time.

And, by special order, the same was read a second time, and thereupon resolved, as follows, viz :

1. That the President or Commander-in-Chief be authorized and empowered forthwith to raise three companies in this State, to wit : one company in the County of New Castle, to consist of sixty men, non-commissioned officers and privates, under the command of one captain and two lieutenants ; one company in Kent County, to consist of seventy-five men, non-commissioned officers and privates, under the command of one captain and two lieutenants ; and one company in Sussex County, to consist of forty men, non-commissioned officers and privates, under the command of one captain and one lieutenant. The said captains and lieutenants to be appointed and commissioned by the President or Commander-in-Chief.

2. That the said officers and men shall be entitled to and receive Continental pay and rations, and shall be subject to the rules and articles of war, provided for the regulation of the Militia of this State, during their continuance in this service.

3. That the President or Commander-in-Chief be empowered

to discharge the whole, or any one, or any part of the said companies when he shall think proper.

4. That the said companies be stationed near to or along the shores in the respective counties of this State, in such places and in such manner as the President or Commander-in-Chief shall from time to time think fit to order and direct.

5. That the duty of the said companies respectively shall be to prevent the enemy and refugees from landing in the State ; to apprehend, take up and secure any person or persons going to, coming from, or trading with the enemy or the said refugees, together with all their goods, merchandise and provisions, and the teams and boats in which the same be, and to render a true account thereof to the President or Commander-in-Chief, and deliver the same to his order or appointment.

6. That the President or Commander-in-Chief be empowered to appoint one or more suitable persons in each county to furnish the company of such county with the rations allowed ; and that it be recommended to the House of Assembly to make provision for the execution of the aforesaid plan.

Ordered, That the same be transcribed and sent by Mr. Hyatt to the House of Assembly for their concurrence.

Mr. Waples, a member from the House of Assembly, attending, was admitted and delivered to the Chair an account of Thomas Wilds, Goaler of Kent County, for expenditures on behalf of several prisoners and deserters in his custody, together with his petition to the General Assembly for the payment thereof, and the proceedings of the House of Assembly on the said petition.

On motion, by order, the bill to increase the number of Justices of the Peace, &c., was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., May 7th, 1778.

The Council met. Present all the members, except Mr. Jones.

Mr. Hyatt now reported that he had delivered to the House of Assembly the several papers given in charge to him according to the order of yesterday.

The report of the committee appointed to draw up an answer to the message of the House of Assembly of the 23d of April, was, by order, read a second time, and several amendments were proposed and agreed to. The said answer is as follows, viz :

Gentlemen :

The Council have considered your message in answer to theirs of the 18th April last, respecting their amendments to the resolves of your House relative to the administration of justice, &c., and cannot help expressing their surprise at your persisting to call upon the Council to join in a general charge of guilt upon officers of justice, holding commissions for different terms during good behaviour, without knowing the particular persons alluded to therein, or they, or any of them, called upon or heard as to the matters alleged. This conduct we hold to be incompatible with the station we are in as the Supreme Court of Judicature with respect to the trial of offenders against the State, and we do conceive it the indispensable duty of Courts and Judges to condemn none unheard. We apprehend it is immaterial whether those facts be well attested or not. In the present stage of the business it is sufficient that they are alleged by the Assembly. This is a foundation for an inquiry. The persons charged are, by the Constitution and tenure of their offices, entitled to a hearing before conviction. The exercise of this power belongs to the General Assembly, and not to the President, therefore highly improper to be pointed out in an address to the President, as you propose in your message, until some hearing thereon, agreeable to the principles of our Constitution.

It is also improper for the Council to deny the facts mentioned in your second resolve, for their truth or falsehood ought regularly to be inquired into before the persons accused, if they

choose, on being summoned, to appear. The House of Assembly may either impeach the officers before the Council, or resolve that they be called on to answer the charges against them; it would, therefore, be ill-judged by the Council to make themselves a party in the question by a denial of the facts. It is sufficient that we have pointed out a mode in our message, now before your House, to which we beg leave to refer you.

We do not think that a total rejection of the second resolve, in which the grievances are pointed out, would make the resolutions testify that the only grievance existing is the appointment of two Justices of the Supreme Court in one county, and that justice in every other part has been duly administered. Nevertheless, if the House of Assembly conceive it will receive such construction, the Council will have no objection to the total leaving out of the first resolve and the preceding preamble, which, we do admit, are not necessary to precede the resolution respecting the Judges of the Supreme Court.

The Council proposed an amendment to your third resolve, for that, in their opinion, the reason therein mentioned does not exist. The Clerks of the Supreme Court in the respective counties of this State may, and usually have, all kinds of remedial writs in their hands calculated for removing the determinations of inferior judicatures, so that the want of a Judge resident for this purpose doth not appear so proper for the foundation of the subsequent resolve; therefore the Council cannot, for a reason which they know does not exist, agree to request the Justices of the Supreme Court who reside in one county to resign their commissions; yet, for a reason which at present does exist, they have concurred in such a request, and it must be a matter of small moment to your honorable House whether our concurrence with you proceeds from the same cause or motive or no, as the same end will be effected.

The Council have not at this time agreed to your proposition of a committee of conference on the subject matter of the second resolve aforesaid. We flatter ourselves that your House, on a reconsideration of the amendments and the principles on which they were proposed, will be inclined to adopt them.

Ordered, That the foregoing answer be transcribed and sent by Mr. Hyatt to the House of Assembly.

Mr. Hyatt, being returned, reported the delivery of the same according to order.

On motion, by order, the bill to increase the number of Justices, &c., was read a second time, and an amendment was proposed and agreed to.

Ordered, That the same be transcribed and sent by Mr. Hyatt, together with the said bill, to the House of Assembly.

Mr. Hyatt reported the delivery thereof according to order.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., May 8th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Derrickson, a member from the House of Assembly, attending, was admitted and delivered to the Chair two messages from the House of Assembly to the Council, which were read, and are as follows, viz :

“Gentlemen :

“This House have received the answer of the Council to a message from this House respecting the amendments to sundry resolutions of this House, of the 9th of April last, for the administration of justice, and have acceded to the same amendments.”

“Gentlemen :

“The House of Assembly have taken into their consideration the Militia bill and the second paper of amendments, with the message accompanying the same, and have disagreed to the 7th amendment proposed in the said second paper, and still continue to adhere to their resolution of rejecting divers of the amendments proposed by the Council in the first paper, &c. ;

“but for the dispatch of business the House of Assembly propose to your honorable House the appointment of committees to confer on the subject matter of those amendments.”

The same member also returned to the Chair the resolution of the Council for the establishing of guards, &c., concurred in by the House of Assembly, who proposed an additional resolve thereto, which was read and concurred in, and is as follows, viz :

“*Resolved*, That his Excellency, the President, be empowered and required to draw out of the Loan Offices of this State, or any of them, such sum or sums of money as he may deem necessary for the carrying into execution the aforesaid resolution for raising the said three companies of guards, and that this House will devise ways and means for replacing the same.”

Ordered, That Mr. Hyatt return the same to the House of Assembly, concurred in by the Council.

Mr. Hyatt, being returned, reported that he had delivered the same according to order.

A message from the President, inclosing a resolution of Congress recommending the passage of a law offering pardon to such of the inhabitants or subjects of the State as have levied war against any of the States, or adhered to, aided or abetted the enemy, and shall surrender themselves by a limited time, was delivered at the table.

On motion, by order, the foregoing message and resolution were severally read the first time. The said message is in these words, viz :

“*Gentlemen of the Legislative Council :*

“I just received a packet from the President of Congress, inclosing a resolution of that honorable body recommending to the several States the enacting laws, &c., for granting pardons, &c. I have sent your honors, with this message, a copy of the above-mentioned resolution for your consideration.

“CÆSAR RODNEY.”

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., May 9th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Derrickson, a member from the House of Assembly, attending, was admitted and returned to the Chair the Militia bill, with the several amendments of each House to the said bill; and also delivered the bill to increase the number of Justices, &c., signed by the Speaker of the House of Assembly.

The message from the House of Assembly, respecting the appointment of committees to confer on the subject matter of the amendments to the Militia bill, was, by order, read a second time, and thereupon the following answer to the said message was drawn up at the table, viz :

Gentlemen :

The Council have taken into consideration your message of yesterday, and would gladly embrace every method calculated for the dispatch of the public business, particularly the bill for establishing a Militia, and have no other objection to the appointment of a committee of conference as to the disputed amendments proposed to that bill than the declaration of your House, in their message proposing such a conference, that you still continue to adhere to your resolution of rejecting those amendments. The Council apprehend the design of such a conference is to hear the reasons for and against the points in dispute between the two Houses, and have the opinion of this select part of them thereon reported. If your honorable House consider the points open for discussion, and that your conferees are not absolutely bound to reject every of those amendments proposed, we are ready and willing to have them discussed and reported upon by such a committee; and that no delay may be, the Council have named Messrs. Vandyke and Bassett the conferees on this occasion, on the supposition that the committee to be appointed by you will be at liberty, as aforesaid.

Resolved, That Mr. Vandyke wait on the House of Assembly with the foregoing answer and inform them of the said appointment.

Mr. Lewis, a member from the House of Assembly, attending, was admitted and returned to the Chair the foregoing answer, concurred in by the House of Assembly, and the following appointment of that House, viz :

“IN THE HOUSE OF ASSEMBLY,
“SATURDAY, P. M., May 9th, 1778.

“Read and concurred in ; and Messrs. Patterson, Bryan, and “Craghead are appointed, on the part of this House, conferees “for the purposes aforesaid, with directions to proceed in the “business assigned them as soon as may be.”

The same member also delivered to the Chair certain resolutions of the House of Assembly empowering the President to borrow five thousand pounds, on the credit of the State, and apply the same in discharge of the accounts due to the Militia heretofore called out ; also a resolution of the House of Assembly directing the Speaker to write to the signers of the last emission of paper currency, &c. ; also the resolutions of that House for the appointment of committees to adjust the Loan Office accounts ; and also the resolutions of that House for the appointment of John Dickinson, Esquire, to be one of the committee for stating an account of expenditures, &c.

On motion, by order, the several foregoing resolutions were respectively read the first time.

On motion, by order, the resolution of Congress, recommending the passing of a law offering pardon to such of the inhabitants as have levied war against any of the States, &c., was read a second time and referred to Messrs. Clowes, Vandyke, and Bassett, to prepare and bring in a bill for that purpose.

Adjourned till Monday morning, 10 o'clock.

MONDAY, May 11th, 1778.

The Council met. Present all the members, except Messrs. Clowes, Conwell, and Jones.

The committee appointed to confer with the committee of the House of Assembly on the subject matter of the amendments to the Militia bill, now delivered their report at the table, which was read and agreed to, and thereupon the following message, founded on the said report, was drawn up at the table, viz :

Gentlemen :

Upon the report of the conferees on the subject of the several amendments to the Militia bill in dispute between the two Houses, the Council have agreed to the report, as follows, to wit :

That the further amendment, as proposed by the House of Assembly in their second paper of amendments, be adopted after striking out the word [white], as mentioned therein, and added to the 31st amendment, proposed by the Council in their first paper. That the 81st amendment of the Council in their first paper shall be a part of the bill upon striking out the words [except in extraordinary cases, of which the Court shall judge]. That the 82d amendment of the Council, mentioned in their first paper, shall stand and be inserted in the bill ; and that the 7th amendment of the Council, in their second paper, be receded from. So that, if your House shall approve of the report of the conferees as afore-said, the bill may be immediately engrossed and enacted into a law.

Ordered, That the same be transcribed and sent by Mr. Hyatt to the House of Assembly, together with the Militia bill and its several amendments.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., May 12th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Hyatt now reported the delivery of the several papers committed to his charge according to the order of yesterday.

On motion, by order, the bill to enable Charles Pope, his heirs, &c., to erect a bridge over Duck Creek, was read the first time.

By special order the same was read a second time, and, for the better information of the Council, thereupon

Resolved, That a committee of two be appointed to go to the place where the said bridge is proposed to be erected and view and report their opinion thereon.

Messrs. Collins and Hyatt are appointed, on the part of the Council, for this purpose, and thereupon a message from the Council to the House of Assembly, proposing the appointment of a like number of the members of that House to join the said committee of the Council, was drawn up at the table, and follows in these words, viz :

Gentlemen :

The Council, upon the best information they have been able to obtain respecting the propriety of giving privilege to Lieutenant Colonel Charles Pope to erect a bridge over Duck Creek at the distance of twenty feet above the public wharf there, as proposed in the bill now before us, have reason to apprehend that the public as well as private interest may be considerably injured by placing the said intended bridge so near the same wharf, and below other wharves, storehouses and landing places heretofore much used for lumber of all kinds, and from the nature and situation of the ground along the creek below the public wharf always must be useful and necessary. The Council have also reason to believe that liberty of erecting a bridge across Duck Creek aforesaid above all the wharves, storehouses and landing places not more than ten or twelve rods distance higher up the creek, might be granted to Colonel Pope without apparent injury to the public

or private interest, and nearly as convenient for him ; but, as neither the petitioner for the bridge or any of those against it, save one, and him on this day, have attended this House to enable them to determine satisfactorily thereon, the Council are desirous of the best information, and therefore propose to your honorable House the appointment of two or more of the members of each House to proceed to the place where, and view, and report their opinion thereon. This may be done in the course of an evening or morning, with but little trouble or loss of time, and for this purpose the Council have named Messrs. Hyatt and Collins on their part.

Ordered, That the same be transcribed and sent by Mr. Bassett to the House of Assembly.

Mr. Bassett, being returned, reported the delivery thereof according to order.

A member from the House of Assembly, attending, was admitted and delivered to the Chair the bill to increase the number of the Justices of the Peace, &c., signed by the Speaker of the House of Assembly.

Ordered, That the same be signed by the Speaker of the Council.

Which was done accordingly.

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the bill entitled "An act to increase the number of the Justices of the Peace in each of the Counties of this State."

On motion, by order,

The resolution of the House of Assembly, directing the Speaker to write to the signers of the last emission of paper currency, was read a second time and concurred in, and follows in these words, viz :

"IN THE HOUSE OF ASSEMBLY,

"FRIDAY, A. M., May 1st, 1778.

"WHEREAS it appears to this House that some of the monies
"emitted by an act of General Assembly of this State, entitled

“An act for printing and emitting fifteen thousand pounds in Bills of Credit of this State, to be let out on loan, and for striking the further sum of ten thousand pounds in such bills for the use of this State, and for providing a fund for sinking the same,’ are still in the hands of several of the signers of the said currency in the County of New Castle ; therefore

Resolved, That the Speaker be desired to write to the several signers of the said emission of paper currency within the said County of New Castle, requiring them to deliver such of the said monies as remain in their hands of the said emission to the Trustee of the Loan Office of the said county, agreeable to the said act, and that they make report of the sums in their hands respectively to the President of this State forthwith.”

On motion, by order,

The resolution of the House of Assembly for borrowing the sum of 7,500 dollars upon the credit of the State, was read a second time and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“MONDAY, April 20th, 1778.

“The House resumed the consideration of the late Vice-President’s message of the 13th of March last, and thereupon

Resolved, That the sum of seven thousand five hundred dollars be borrowed upon the credit of this State, and that the President sign certificates to the person or persons lending the same.

“That this House will devise ways and means for the repayment of the said sum to the lender or lenders thereof, with interest at the rate of six per cent. per annum until the same be repaid.

“That the said sum of seven thousand five hundred dollars be put into the hands of Thomas Rodney, Esquire, for the purpose of completing the purchase of clothing for the Delaware Regiment ; and that the said Thomas Rodney be accountable for the expenditure thereof to the General Assembly, or to the President or Vice-President of the State for the time being in the vacation of Assembly, in order that the State may have the sum expended refunded by Congress.”

Ordered, That Mr. Bassett wait on the House of Assembly with the two last mentioned resolutions concurred in respectively by the Council, and also the bill for increasing the number of the Justices of the Peace in each county of this State, signed by the Speaker of the Council, and the resolution for affixing the Great Seal to the same.

Mr. Bassett reported that he had waited on the House of Assembly and delivered the said papers according to order.

Mr. Molleston, a member of the House of Assembly, attending, was admitted and delivered to the Chair a "Bill for raising one hundred and twenty thousand dollars for the service of the present year, by a general tax;" and also delivered the resolutions of the House of Assembly for the appointment of a State Treasurer, a Clothier General, and a Commissary General of Prisoners for this State, and then withdrew.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., May 13th, 1778.

The Council met. Present all the members except Messrs. Clowes and Jones.

On motion, by order,

The resolutions of the House of Assembly for the appointment of a State Treasurer, a Clothier General, and a Commissary General of Prisoners for this State, were read the first time.

On motion, by order,

The bill for raising 120,000 dollars for the service of the present year, by a general tax, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee appointed to prepare and bring in a bill offering pardon to such of the inhabitants or subjects of the State as have levied war against any of the States, or adhered to, aided or abetted the enemy, and shall surrender themselves by a limited time, now delivered one at the table, which, by order, was read the first time.

The resolutions of the House of Assembly, empowering the President to borrow five thousand pounds, on the credit of the State, and apply the same in discharge of the accounts due to the Militia heretofore called out, were, by order, read a second time and concurred in, and are as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ SATURDAY, A. M., May 9th, 1778.

“ On motion,

“ *Resolved*, That the President or Commander-in-Chief of this
“ State be authorized and empowered to borrow, on the credit of
“ the State, the sum of five thousand pounds, and that he sign
“ certificates to the person or persons who may lend the same,
“ and this House will devise ways and means for the repayment
“ to the lender or lenders thereof, with interest at the rate of six
“ per cent. per annum until the same shall be repaid.

“ *Resolved also*, That the sum so to be borrowed be applied
“ by the President or Commander-in-Chief, in such manner as he
“ shall think best, in discharge of the accounts due to the Militia
“ heretofore called out.”

The Council then resumed the consideration of the bill for the further security of the Government, and after some time spent therein, the same was postponed until to-morrow morning.

Adjourned till to-morrow morning, 9 o'clock.

THURSDAY, A. M., May 14th, 1778.

The Council met. Present the same members as on yesterday.

The Council now proceeded in the consideration of the bill for the further security of the Government, and thereupon a second paper of amendments to the same was proposed, agreed to, and ordered to be transcribed and sent to the House of Assembly for their consideration and concurrence, with the following message, viz :

Gentlemen :

The Council now send you the bill for the further security of the Government, with a second paper of amendments. By the report of the committee of conferees it appears that it was agreed between them that the words in dispute in the sixth amendment, proposed by the House, should be struck out of the bill and the words [and Constitution], mentioned in the 7th amendment, retained, and the words [the, as now established], struck out, which the Council have agreed to. You will perceive by the second paper of amendments that the Council have proposed an amendment to their 27th amendment, which, they hope, will be satisfactory and remove all objections ; but they beg leave to remind you that the 1st of June, the time limited for completing the administration of the test in the first instance, will be rather too short, either for the body of the people of the State to know the contents of the law, or the ministerial officers therein to perform their duty under it.

Ordered, That Mr. Hyatt return to the House of Assembly the resolution empowering the President to borrow five thousand pounds, on the credit of the State, and apply the same in discharge of the accounts due to the Militia heretofore called out, with the concurrence of the Council thereto ; and also the bill for the further security of the Government, with its several amendments, and the foregoing message.

Mr. Hyatt, being returned, reported the delivery of the aforesaid several papers, according to order.

On motion, by order,

The bill for raising 120,000 dollars for the service of the present year, by a general tax, was read a second time.

The same, by order, was read a third time by paragraphs, and will pass.

Ordered, That the said bill, thus agreed to, be returned by Mr. Conwell to the House of Assembly, with the following verbal message, viz :

Gentlemen :

The Council do agree to pass the bill for raising 120,000 dollars in the Delaware State for the service of the year 1778, by a general tax, into a law as soon as the blank therein for the name of the State Treasurer shall be determined upon a ballot by the two Houses, which the Council are ready to go into when it may be convenient to the House of Assembly.

Mr. Craghead, a member of the House of Assembly, attending, was admitted and delivered to the Chair "The act for establishing a Militia within this State ;" and also the "Rules and articles for the better regulating of the Militia within the same," respectively signed by the Speaker of the House of Assembly.

The resolutions of the House of Assembly respecting the appointment of a State Treasurer, a Clothier General, and a Commissary General of Prisoners, were, by order, read the second time and rejected in part.

The resolution of the House of Assembly respecting the appointment of John Dickinson, Esq'r, to be one of the committee for stating an account of expenditures, &c., was, by order, read a second time, and an amendment was proposed and agreed to, and ordered to be transcribed.

The resolutions of the House of Assembly for the appointment of committees for adjusting the Loan Office Accounts, were, by order, read a second time and rejected ; whereupon a message was drawn up at the table, read and agreed to, and is in these words, viz :

Gentlemen :

The Council, on considering the resolutions of your House, of

the 12th instant, sent for our concurrence, are of opinion that, as to the first, it is unnecessary, as such an officer as State Treasurer will be expressly appointed by the tax bill, now before us ; therefore, as to that officer, all that is wanting is to appoint the time of balloting for him. As to the second resolution, for the appointment of a Clothier General for the Delaware Regiment, we apprehend this was done by the appointment of Thomas Rodney, Esquire, in the resolutions, framed in your House and concurred in here, for the borrowing seven thousand five hundred dollars, on the credit of the State, and applying it for the purchase of clothing for that regiment, to which we beg leave to refer you. As to the third resolution, for the appointment of a Commissary of Prisoners, we agree to the same, and that such officer be elected by joint ballot.

The Council have been desirous of consulting Mr. Dickinson as to his willingness to undertake the business of a committeeman of the general accounts between this State and the United States, but have not had the opportunity since the coming of your resolution for his appointment to this House ; but as that gentleman complains much of his want of health, we are induced to think he will decline the appointment, or that his indisposition will delay the immediate going on with this business, therefore we have proposed another person to be inserted in his stead, to wit : Mr. Daniel Robertson, one conversant in accounts, and residing in the Town of Dover.

The Council have returned the resolve for the appointment of committees for settling the accounts of the General Loan Office, disagreed to in the form it now stands, as each committee is to consist of three persons only, and two of these three are to be named by the House of Assembly, and the other by the Council, by an express provision in the late act for the emitting of an additional sum of twenty-five thousand pounds in Bills of Credit in this State, which the Council apprehend was not attended to by your honorable House.

Ordered, That the several foregoing resolutions, together with the transcribed amendment and the above message relative thereto, be also sent by Mr. Conwell to the House of Assembly.

Mr. Conwell, being returned, reported the delivery of the several papers committed to his charge, according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill for granting a free pardon to such of the inhabitants or subjects of the State as have levied war against any of the States, was read a second time.

The same was read a third time by paragraphs, and some amendments were agreed to and ordered to be transcribed and sent by Mr. Baning to the House of Assembly for their concurrence.

Adjourned till to-morrow morning, 9 o'clock.

FRIDAY, A. M., May 15th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Baning now reported that he had delivered the bill for granting a free pardon, and the transcribed amendment thereto, to the House of Assembly, according to the order of yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

A bill to prevent the inhabitants of this State from dealing and furnishing the enemies thereof with supplies, and for other purposes therein mentioned, was laid on the table, and, by order, read the first time.

By special order the same was a second time read and agreed to.

The bill for establishing a Militia within this State, being engrossed, was read and compared, and ordered to be signed by the Speaker, which was accordingly done.

The rules and articles for the better regulating of the Militia whilst under arms, being engrossed, was read and compared, and ordered to be signed by the Speaker, which was accordingly done.

Ordered, That Mr. Baning deliver the bill to prevent the inhabitants of this State from dealing and furnishing the enemies thereof with supplies, &c., to the House of Assembly for their consideration and concurrence, and also return the two last mentioned bills, respectively signed by the Speaker of the Council.

Mr. Baning reported the delivery of these several papers according to order.

On motion,

Ordered, That the private printed copy of the Articles of Confederation and Union between the States of America, in the possession of the Speaker, be now read and taken into consideration, as there is little prospect of obtaining a certified copy of the same from Congress during the present sitting of the General Assembly.

And the same was accordingly read, and the further consideration postponed till to-morrow.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., May 16th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Davis, a member from the House of Assembly, attending, was admitted and delivered to the Speaker a resolution of the House of Assembly for affixing the Great Seal to the Militia bill, and the rules and articles for the better regulating of the Militia, &c., with the following verbal message, viz :

“Gentlemen :

“The House of Assembly, being desirous to complete, as speedily as possible, the Militia bill and the bill for raising one hundred and twenty thousand dollars, &c., propose to the Council that both Houses meet in the House of Assembly to-morrow morning at 10 o’clock, to put in nomination persons to be balloted for as lieutenants and sub-lieutenants for the respective counties, and also a State Treasurer.”

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the Militia bill, &c., was read and concurred in, and is as follows, viz :

“On motion,

“Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following bills, to wit :

“1. An act for establishing a Militia within this State,” and

“2. Rules and articles for the better regulating of the Militia whilst under arms or embodied.”

Mr. Hyatt is ordered to return the foregoing resolutions, with the concurrence of the Council thereto, and inform the House of Assembly that the Council have agreed to their proposition to meet them in the House of Assembly forthwith to put in nomination persons to be balloted for as lieutenants and sub-lieutenants for the respective counties.

Mr. Hyatt, being returned, reported his delivery of the paper and message committed to him according to order.

Mr. Patterson, a member of the House of Assembly, attending, was admitted and informed the Speaker that the House of Assembly were ready to receive the Council and proceed in the nomination aforesaid.

The Council then proceeded to the Assembly Room, and there met the House of Assembly, when several persons were put in nomination for the offices of lieutenants and sub-lieutenants for the respective counties, and their names taken down for the consideration of both Houses.

On motion,

Resolved, That the General Assembly now separate, and meet again at 3 o'clock this afternoon, in the Council Room, to ballot for the said officers out of the persons now put in nomination.

Then the House of Assembly withdrew.*

Mr. Black, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill for the further security of the Government, signed by the Speaker of the House of Assembly.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That Mr. Baning wait on the House of Assembly and inform them that the Council are now ready to receive them to ballot for lieutenants and sub-lieutenants.

Mr. Baning, being returned, reported that he had delivered the aforesaid message according to order.

* So recorded.

The House of Assembly, agreeable to the order of the day, met the Council in the Council Room, and having prepared tickets for the election of lieutenants and sub-lieutenants for the several Counties of this State, under the Militia law, and having put the same into a ballot-box, the Speakers of the two Houses, in the presence of the members, examined the box, and it appeared as follows : That there was a majority of votes in favor of George Evans, Esq., for Lieutenant for the County of New Castle, and a unanimous vote in favor of Henry Darby and Samuel Smith, Gentlemen, for sub-Lieutenants for the said County of New Castle ; and that there was a unanimous vote in favor of Samuel West, Esquire, for Lieutenant for the County of Kent, and a majority of votes in favor of Francis Manny and Benj. Coombs, Gentlemen, for sub-Lieutenants for the said County of Kent ; and that there was a majority of votes in favor of Henry Neill, Gentleman, for Lieutenant for the County of Sussex, and a majority of votes in favor of Nathaniel Waples and Charles Moore, Gentlemen, for sub-Lieutenants for the said County of Sussex.

Then the House of Assembly withdrew.

On motion,

Resolved, That the said George Evans be recommended to his Excellency, the President, to be commissioned lieutenant, and the said Henry Darby and Samuel Smith to be commissioned sub-lieutenants, under the Militia law, for the County of New Castle ; and that the said Samuel West be recommended to the President to be commissioned lieutenant, and the said Francis Manny and Benjamin Coombs to be commissioned sub-lieutenants under the said law for the County of Kent ; and that the said Henry Neill be recommended to the President to be commissioned lieutenant, and the said Nathaniel Waples and Charles Moore to be commissioned sub-lieutenants under the said law for the County of Sussex.

Ordered, That Mr. Bassett deliver the foregoing resolution to the House of Assembly for their consideration and concurrence.

Mr. Bassett, being returned, reported the delivery of the same according to order.

Mr. Davis, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill for raising one

hundred and twenty thousand dollars in the Delaware State for the year 1778, by a general tax, engrossed and signed by the Speaker of the House of Assembly.

Adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., May 18th, 1778.

The Council met. Present all the members except Messrs. Jones, Clowes, and Vandyke.

Mr. Adams, a member of the House of Assembly, attending, was admitted and returned to the Chair the bill to prevent the inhabitants of this State from dealing and furnishing the enemies thereof with supplies, &c., with three amendments proposed thereto by the House of Assembly, which were read and severally disagreed to ; and thereupon a message from the Council to the House of Assembly, showing the reasons of their disagreement to the said amendments, was drawn up at the table, read and approved of, and is as follows, viz :

Gentlemen :

The Council having taken into consideration the three several amendments proposed by your honorable House to the bill to prevent dealing and furnishing the enemy with supplies, &c., have unanimously disagreed to them for the following reasons, to wit :

As to the first, for that no Prince or State, other than the French King, hath, as yet, to our knowledge, publicly avowed the independence of the United States, or entered into any treaty of commerce or alliance with them, and consequently ought not to be admitted to the same freedom of trade with our enemies in our ports as is especially stipulated in favor of the subjects of the French King by the 25th and 26th articles of the treaty of commerce lately entered into between the said King and the United States ; and we apprehend that by the said first amendment all

neutral powers, so far as respects this State, will be considered as privileged to carry supplies, even to the port of Philadelphia while in the possession of the enemy, which we conceive ought not to be.

As to the second amendment, for that, by the resolve of Congress of the 23d of March, 1776, declaring what captures shall be adjudged prizes, express provision is made for the payment of seamen's wages, and the reason which, we presume, and have reason to believe, induced Congress to do so, operates with us to reject your said amendment, to wit: That seamen are a set of people extremely necessary and wanting in the service of the United States; that they are seldom much attached to any service, and that we ought not to consider those sailing in merchant vessels as enemies or parties in this dispute, but by paying their wages, though their ships are captured, we shall bias them to our cause and service, and make them more indifferent as to the fate of the vessels they may be in; besides, by this exclusion, as proposed, the seamen of wrecked vessels would be put upon a different footing from seamen of captured vessels, who will be entitled to their wages under the resolve of Congress.

As to the third amendment, for that the words therein proposed to be inserted in the bill are merely relative, and have not a proper subject of reference, as no special mode for division of the moiety allotted to the first possessor, or manner in which the prize should be secured, is pointed out, other than in the sentence where the amendment is proposed to be placed.

Ordered, That the said message be transcribed and sent by Mr. Bassett to the House of Assembly.

Mr. Bassett, being returned, reported the delivery thereof according to order.

Mr. Lockwood, a member of the House of Assembly, attending, was admitted and returned to the Chair the resolution of the Council empowering the President to commission lieutenants and sub-lieutenants under the Militia law, with the concurrence of the House of Assembly thereto.

Ordered, That the bill for raising 120,000 dollars within this State for the service of the present year, by a general tax, and also the bill for the further security of the Government, be now

respectively signed by the Speaker of the Council, which was accordingly done.

On motion, by order,

The account of Thomas Wilds, Goaler of Kent County, against the Delaware State, with the petition and proceedings of the House of Assembly thereon, were read the first time and ordered to lie over for consideration until to-morrow.

Adjourned to 10 o'clock to-morrow.

TUESDAY, A. M., May 19th, 1778.

The Council met. Present the same members as on yesterday.

On motion, .

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the following bills, to wit :

1. "An act for the further security of the Government," and
2. "An act for raising 120,000 dollars in the Delaware State for the service of the year 1778, by a general tax."

Ordered, That Mr. Baning return the foregoing bills, signed by the Speaker of the Council, to the House of Assembly, and also deliver the foregoing resolution for affixing the Great Seal thereto, for their concurrence, and the following message, viz :

Gentlemen :

We send you the bill for the further security of the Government, and also the bill for raising 120,000 dollars in the present year, by a general tax, signed by the Speaker of the Council, and recommend that some speedy method be adopted for furnishing the respective counties with copies of these bills when sealed and enacted into laws. Of the first of these not less than 54 copies will be wanted for the use of the Justices of the Peace in the several counties, and that forthwith, that they may be en-

abled to perform the duties required of them therein, and avoid the heavy penalty they are liable to for an omission of any of those duties, and there is but about six weeks allowed for the completing this business. As to the second act, three copies should be immediately made and sent to the Clerk of the Peace of each County, with directions to notify the Justices of the Peace that the special court ordered therein may be held on or before the tenth day of June next, otherwise the law will loose its operation.

Mr. Baning, being returned, reported the delivery of the several papers aforesaid according to order.

The Council now took into consideration the account and petition of Thomas Wild and the report of the committee of the House of Assembly thereon, and agreed to the said report, which follows in these words, to wit :

“ IN THE HOUSE OF ASSEMBLY,
“ WEDNESDAY, P. M., May 6th, 1778.

“ On motion,

“ The House resolved itself into a committee of the whole to
“ take into consideration the petition and account of Thomas
“ Wild, Goaler of Kent County, and after some time spent
“ therein the Speaker resumed the chair and the chairman re-
“ ported from the committee that they had allowed to the said
“ Thomas Wild the sum of ninety-six pounds nineteen shillings
“ for the following services, viz :

“ For subsisting five persons of the United States, . £74 9 0
“ For subsisting sundry deserters from the army of

“ the said States, ... 22 10 0

“ £96 19 0

“ Which said report was agreed to by the House.”

Thereupon

Resolved, That it be recommended to his Excellency, the President, to transmit a copy of the said Thomas Wild's account, for subsisting the British prisoners aforesaid, to Congress, or the Commissary General of Prisoners, as he may think fit, that this

State may be repaid the same by Congress, and for this purpose that the original account be lodged with the President.

Resolved also, That the original account of the said Thomas Wild, for subsisting deserters as aforesaid, be lodged with the President, and that he be required to transmit a copy thereof to the proper officers of the respective regiments to which such deserters belonged, that stoppages may be made out of their pay respectively, and this State enabled to charge the same to the United States.

Ordered, That Mr. Collins wait on the House of Assembly with the above resolutions for their concurrence, and return the account and petition of the said Thomas Wild and the report of the committee of the House of Assembly agreed to by the Council.

The committee appointed by the Council to view the place where the bridge mentioned in the bill before the House, upon the petition of Charles Pope, is proposed to be built, now reported that they had proceeded to the said place, and are of opinion that a bridge erected over Duck Creek there will be of public as well as private utility, if a road shall be opened from the north end thereof to the road leading from Salisbury town to the Thoroughfare, and that this ought to be done by and at the expense of the petitioner, as soon as the said bridge shall be erected ; that the nearer the said bridge shall be placed to the upper side of the public wharf there, it will do the least injury to the owner of the land on the south side of the creek, and best answer the purpose of the petitioner ; but that the same ought to be a drawbridge, to preserve an useful navigation above the place where, &c.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Molleston, a member of the House of Assembly, attending, was admitted and returned the bill to prevent dealing and furnishing the enemy with supplies, &c., and delivered the following message, to wit :

“A MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE COUNCIL.

“*Gentlemen :*

“The House of Assembly have received your message of yesterday, relative to the three several amendments proposed by this House to the bill to prevent dealing and furnishing the enemy with supplies, &c., and disagreed to by the Council, and, upon a reconsideration of the same, have receded therefrom.

“Signed by order of the House,

“SAM’L WEST, *Speaker.*

“Dover, May 19th, 1778.”

Ordered, That the said bill be engrossed.

Mr. Molleston also delivered to the Chair a bill for regulating the fees of divers civil officers, &c., which, by order, was read the first time.

The Council now proceeded in the consideration of the bill to enable Charles Pope, his heirs, &c., and agreed to an amendment thereto.

Ordered, That the same be transcribed and sent, with the said bill, to the House of Assembly by Mr. Collins.

Adjourned to 10 o’clock to-morrow.

WEDNESDAY, A. M., May 20th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Collins now reported the delivery of the several papers committed to his charge, according to the order of yesterday.

The Speaker laid before the Council the resignation of William Killen, Esq., Chief Justice of the Supreme Court of this State, by a writing under his hand and seal, and also a letter from John Cook, Esquire, declaring his resignation as third Justice of the same Court.

Which, by order, were severally read; and thereupon the following address from the Speakers of the two Houses to the General Assembly was laid on the table, viz :

To the Honorable General Assembly of the Delaware State :

GENTLEMEN—In pursuance of the resolves of the General Assembly respecting the appointment of Justices of the Supreme Court in each County of the State, we, by a letter of the 11th instant, addressed to the Honorable William Killen and John Cook, two of the Justices of said Court residing in Kent County, requested of those gentlemen a resignation of their commissions, that a nomination of persons to fill that Court, residing in each County of the State, might be made for the more speedy execution of the law, necessary under the present circumstances of the State, and at the same time transmitted copies of your said resolves. In answer to which we have received, through the hands of his Excellency, the President, the resignation of the Honorable William Killen, Esquire, Chief Justice of the said Court, by a writing under hand and seal, and a letter from the Honorable John Cook, Esquire, declaring his resignation as third Justice of the same Court, both of which papers we lay before you for your further order therein.

GEO. REED.

20 May, 1778.

SAM'L WEST, *Speaker*.

Ordered, That Mr. Banning deliver the foregoing message and papers to the House of Assembly for their perusal.

The bill to prevent dealing and furnishing the enemy with supplies, &c., being engrossed, was read and compared and ordered to be signed by the Speaker ; which was accordingly done.

On motion

Resolved, That the President and Commander-in-Chief affix the Great Seal of the State to the bill entitled "An act to prevent the inhabitants of this State from dealing and furnishing the enemy with supplies, and for other purposes therein mentioned."

Ordered, That Mr. Baning deliver the foregoing bill and resolution to the House of Assembly for their concurrence.

Mr. Baning, being returned, reported the delivery of the several papers committed to him according to order.

Mr. Craghead, a member of the House of Assembly, attending, was admitted and presented to the Chair a message from the House of Assembly to the Council.

On motion, by order, the foregoing message was read, and follows in these words, viz :

"*Gentlemen :*

"This House, having accepted of the resignation of the Honorable William Killen and John Cook, Esq's, of their commissions of Justices of the Supreme Court of this State, propose to the Council that both Houses meet this forenoon, in the Council Chamber, and put in nomination persons to be balloted for as Justices of the said Court, in the room of the said William Killen and John Cook, Esquires, and also of John Evans, Esq., appointed second Justice of the same Court, who hath declined to accept of the said appointment.

"Signed by order of the House,

"SAM'L WEST, *Speaker*.

"Dover, 20 May, 1778."

The Council, taking into consideration the proposition made by the House of Assembly of putting into nomination three persons to fill the offices of Justices of the Supreme Court within the State, in the stead of William Killen and John Cook, Esquires,

who have resigned, and John Evans, Esquire, who hath declined accepting under his former appointment, do agree to the same ; and

Resolved, That persons qualified to be Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, in the room of Thomas Tilton, who hath declined accepting the same office, be put in nomination at the same time, and afterwards balloted for.

Ordered, That Mr. Baning wait on the House of Assembly with the foregoing resolution of the Council, for their concurrence, and inform them that the Council will be ready to receive them forthwith.

Mr. Baning, being returned, reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Armstrong, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following verbal message, viz :

"Gentlemen :

"As your honorable House have concurred in a resolution of
"the 12th instant, for the appointment of a Commissary General
"of Prisoners, the Assembly propose that nomination of persons
"to be balloted for to fill that office be made at the same time
"that the General Assembly proceed in the nomination of persons for Justices of the Supreme Court.

"This House do not consider the appointment of a Clothier General to be supplied by the appointment of Thomas Rodney,

“Esquire, in the resolution of both Houses of the 20th of April last, for the borrowing seven thousand five hundred dollars on the credit of the State, &c. ; but are of opinion that the appointment of Mr. Rodney is only temporary, and for the special service of completing the clothing of the Delaware Regiment at present. If the Council should view this matter in the same light the House of Assembly does, and are of opinion that the appointment of a Clothier General is necessary, this House propose likewise to put in nomination, at the same time, persons to be balloted for to fill that office.”

Whereupon, in answer thereto, the following message was prepared and sent to the House of Assembly by Mr. Conwell :

Gentlemen :

The Council can put no other construction on the resolution of the 20th ultimo, mentioned in your verbal message of this afternoon, than is expressed therein, to wit : “That the said sum of seven thousand five hundred dollars be put into the hands of Thomas Rodney, Esquire, for the purpose of completing the purchase of clothing for the Delaware Regiment ;” and however temporary this appointment may be considered to be, yet the business is not begun, and we apprehend that the appointment of a Clothier General, whose duty must be the same, will supercede this act, so recently done, which would make our proceedings rather exceptionable, and this is what we wish to avoid, for the Council think with the Assembly that such an officer is necessary, and have no other objection than what is above expressed.

Mr. Conwell, being returned, reported the delivery of the above message according to order.

The Doorkeeper informed the Chair that the House of Assembly were waiting to be admitted, and they were admitted accordingly.

The Council and House of Assembly being met in the Council Room to put in nomination three persons to be balloted for as Justices of the Supreme Court, in the stead of William Killen, John Cook, and John Evans, Esquires ; a Chief Justice of the Court of Common Pleas and Orphans’ Court, in the room of Thomas Tilton, and also a Commissary General of Prisoners for the State, agreeable to the order of the day,

Ordered, That Messrs. Ridgely, Bryan, Kollock, Bassett, and Hyatt be a committee to wait on his Excellency, the President, and acquaint him that the General Assembly are now met in the Council Room for the purpose of putting in nomination persons who may be balloted for as Justices of the Supreme Court of this State; a Chief Justice of the Court of Common Pleas and Orphans' Court, and a Commissary General of Prisoners, and request his attendance at the nomination, if he think proper.

The committee, being returned, reported that his Excellency, the President, said that he would wait on the General Assembly immediately.

The President attended in the General Assembly; then the members proceeded to put in nomination divers persons to fill the said offices, whose names were taken down for the consideration of the members of both Houses. The President then withdrew.

On motion,

Resolved, That the General Assembly now separate and meet at 9 o'clock to-morrow morning, in the Council Room, to ballot for the said officers out of the persons now put in nomination.

Then the House of Assembly withdrew.

The Council adjourned to 9 o'clock to-morrow morning.

THURSDAY, A. M., May 21st, 1778.

The Council met, and being informed that, by the going away of divers members of the House of Assembly, a sufficient number were not in town to form a House, and no prospect of their attendance before Monday next, the Speaker of the Council applied for leave of absence for ten days, and it is granted to him. Then the Council adjourned to 10 o'clock on Tuesday morning next.

TUESDAY, A. M., May 26th, 1778.

A sufficient number to compose a House not attending, the Council adjourned from day to day until Friday, the 29th of the same instant.

FRIDAY, A. M., May 29th, 1778.

The Council met, and being informed that a sufficient number of members of the House of the Assembly were not in town, and that it was uncertain when they might be expected, adjourned till Wednesday, the first day of July next.

MINUTES OF COUNCIL.

JUNE, 1778.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

CALLED SESSION, JUNE, 1778.

At a meeting of the Council at the Town of Dover, in the County of Kent, by a special order of the President, on Wednesday, the seventeenth day of June, Anno Domini 1778, a sufficient number of the members to form a House not attending, the Council adjourned from day to day until Friday, the 19th instant.

FRIDAY, June 19th, 1778.

The following members appeared in the Council, viz :

For New Castle County—Nicholas Vandyke, Peter Hyatt.

For Kent County—Richard Bassett, John Baning.

For Sussex County—John Jones, John Clowes, William Conwell.

George Read, Esquire, Speaker of the Council, not attending, the Council proceeded to the choice of a Speaker *pro tempore*, and Nicholas Vandyke, Esquire, was unanimously chosen. The Speaker took the Chair.

Mr. Lewis, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following verbal message from the House of Assembly to the Council, viz :

Gentlemen :

“The sudden separation of the House of Assembly previous to the time appointed by the General Assembly at their last sitting for the election of Justices of the Supreme Court, a Chief Justice of the Court of Common Pleas and Orphans’ Court for the County of Kent, and a Commissary General of Prisoners, prevented the appointment of those officers ; yet, as a nomination of persons qualified to fill said offices has been already made, and the public welfare demanding their appointment speedily, this House propose to meet the honorable Council to-morrow morning at 10 o’clock, in the Council Chamber, to ballot for the said officers.”

Whereupon the following verbal message from the Council to the House of Assembly, in answer to the above, was drawn up at the table :

Gentlemen :

The Council, taking into consideration the proposition made by the House of Assembly, in their verbal message of this day, to meet to-morrow morning at ten o’clock, in the Council Chamber, to ballot for Justices of the Supreme Court, a Chief Justice of the Court of Common Pleas and Orphans’ Court in the County of Kent, and a Commissary General of Prisoners for the State, do agree to the same.

Ordered, That Mr. Conwell wait on the House of Assembly with the concurrence of the Council to their proposition aforesaid.

Ordered, That Mr. Jones and Mr. Bassett be a committee to wait on his Excellency, the President, and acquaint him that the Council are now sitting and are ready to receive any business which he may have to lay before them.

On motion, by order,

The bill for regulating the fees of divers civil officers, &c., was read the second time and deferred for consideration until to-morrow.

Adjourned to 9 o’clock to-morrow.

SATURDAY, A. M., June 20th, 1778.

The Council met. All present as on yesterday.

Mr. Conwell now reported that he had waited on the House of Assembly according to the order of yesterday.

The committee appointed to wait on his Excellency, the President, now reported that they had delivered the message committed to them, according to the order of yesterday, when the President was pleased, in answer, to say that he had no particular business to lay before the Council, but strongly recommended to them the finishing of the business which was left undone at their last sitting; and added that if any papers which concerned the public should come to his hands whilst the Council were sitting he would immediately lay them before the Council.

Ordered, That Mr. Baning wait on the House of Assembly and inform them that the Council are now sitting and are ready to receive them for the purpose of balloting for Justices of the Supreme Court, a Chief Justice of the Court of Common Pleas and Orphans' Court in Kent County, and a Commissary General of Prisoners for the State, out of the persons before put in nomination.

Mr. Baning, being returned, reported the delivery of the above message according to order.

The House of Assembly now attended for the purpose of balloting for the said officers, and were admitted.

Ordered, That Messrs. Jones, Clowes, Stout, Bryan, and Hall be a committee to wait on his Excellency, the President, and acquaint him that the General Assembly are now met in the Council Chamber for the purpose of balloting for Justices of the Supreme Court, a Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and a Commissary General of Prisoners for this State, and request his attendance, if he choose to be present, at the balloting.

The committee, being returned, reported that they had waited

on his Excellency, the President, with the above message, when he was pleased to say that he would attend the General Assembly immediately.

The President attended in the General Assembly ; then the President and General Assembly proceeded to the choice of the said officers severally, by joint ballot, and the box containing the ballots being examined by the Speaker of each House, in the presence of the President and the members thereof, it appeared that—

William Killen, Esq., was duly elected Chief Justice of the Supreme Court for this State ;

David Finney, Esq., was duly elected second Justice of the said Court ; and

John Jones, Esq., was duly elected third Justice of the said Court ;

Thomas Rodney, Esq., was duly elected Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent ; and

George Craghead, Esq., was duly elected Commissary General of Prisoners for this State.

On motion, agreed that the General Assembly now separate.

Then the President and the House of Assembly withdrew, and the Council adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and took into consideration the bill for regulating the fees of the civil officers, &c., and after some time spent therein, thereupon

Resolved, That the said bill be referred to a committee of two to examine and report thereon on Monday next.

The members chosen : Mr. Jones and Mr. Clowes.

Adjourned to 10 o'clock on Monday next.

MONDAY, A. M., June 22d, 1778.

The Council met. All present as on Saturday, and also Mr. Hyatt.

The committee to whom was referred the bill for regulating the fees of the civil officers, &c., now delivered in their report at the table, which, by order, was read the first time.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and took into consideration the report of the committee on the bill for regulating the fees, &c., and some amendments being agreed to, the same was deferred for further consideration till to-morrow.

Adjourned to 10 o'clock to-morrow.

TUESDAY, A. M., June 23d, 1778.

The Council met. All present as on yesterday.

The Council now resumed the consideration of the amendments reported to the bill for regulating the fees, &c., by the committee, and after sundry debates, the question being put, whether the allowance of the members of the General Assembly, the Clerks of the two Houses, and the members of the Privy Council, for their attendance, should be a fixed sum, or, whether their expenses should be paid by the public, the Council were equally divided.

On motion of Mr. Bassett, that the yeas and nays on the said question be entered on the minutes, the same were ordered, and are as follow, to wit :

For the affirmative— Mr. Bassett, Mr. Banning, Mr. Hyatt.

For the negative—Mr. Jones, Mr. Clowes, Mr. Conwell.

And thereupon the Speaker gave the casting vote in the negative.

Mr. Patterson, a member of the House of Assembly, attending, was admitted and returned to the Chair the bill for a free pardon, &c., with a paper of amendments proposed thereto by the House of Assembly.

The same member delivered to the Chair a resolution of the House of Assembly for the appointment of committees for settling the Loan Office accounts, and also a resolution to adjourn on Thursday next.

The Council now proceeded in the consideration of the bill for regulating the fees, &c., and the amendments reported thereto, and after some time spent therein the same was postponed until the afternoon for further consideration.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The Council again proceeded in the consideration of the bill for regulating the fees, &c., and the amendments reported thereto by the committee, and the said amendments were all acceded to, and ordered to be transcribed and sent therewith to the House of Assembly for their concurrence.

Mr. Molleston, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An

act for aiding the discontinuance of the process in the Supreme Court of this State."

On motion, by order, the said bill was read the first time.

By special order the same was read the second time and agreed to by the Council.

Ordered, That Mr. Conwell wait on the House of Assembly with the bill for regulating the fees of divers civil officers, &c., and the amendments proposed thereto by the Council; and also return the bill for aiding the discontinuance of the process in the Supreme Court of this State, agreed to by the Council.

Mr. Conwell, being returned, reported that he had waited on the House of Assembly with the aforesaid papers according to order.

Mr. Craghead, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill to enable Charles Pope, his heirs, executors or administrators, to erect a bridge over Duck Creek, with the amendments proposed thereto by the Council; and also the following message from the House of Assembly to the Council relative to the said amendments, to wit:

"Gentlemen:

"The House of Assembly have taken into consideration the
 "amendments proposed by your honorable House to the bill to
 "enable Charles Pope, his heirs, executors or administrators, to
 "erect a bridge over Duck Creek, and have acceded to the first.
 "Your second amendment this House have not agreed to, be-
 "cause they conceive it would be a particular hardship upon the
 "said Charles Pope to oblige him to lay out a road, at least a
 "mile through his lands, without receiving any compensation by
 "way of damages, as they apprehend that the bridge intended
 "to be erected by him will be of public utility. The Assembly
 "therefore flatter themselves that the honorable Council, upon a
 "reconsideration of the said amendments, will recede therefrom.

"Signed by order of the House,

"Dover, June 22, 1778.

SAM. WEST, *Speaker*."

Which, by order, was read.

On motion, by order, the resolution of the House of Assembly for the appointment of committees for settling the Loan Office accounts, was read the first time.

On motion, by order, the resolution of the House of Assembly respecting an adjournment, was read the first time.

The Council now took into consideration the amendments proposed by the House of Assembly to the bill for a free pardon, &c., and after some time spent therein the same was postponed until to-morrow.

Adjourned to 10 o'clock to-morrow.

WEDNESDAY, A. M., June 24th, 1778.

The Council met. All present as on yesterday, except Mr. Bassett, who is sick.

The Council resumed the consideration of the amendments proposed by the House of Assembly to the bill for a free pardon, &c., and the same being severally acceded to, a further amendment to the said bill was proposed by the Council, agreed to, and ordered to be transcribed and sent to the House of Assembly.

The Council, taking into a reconsideration the second amendment proposed by them to the bill to enable Charles Pope, his heirs, executors, &c., to erect a bridge over Duck Creek, and disagreed to by the House of Assembly, do recede therefrom.

Ordered, That Mr. Baning wait on the House of Assembly with the foregoing bill and its amendments and inform them that the Council had receded from their second amendment.

Mr. Baning, being returned, reported that he had waited on the House of Assembly, according to order, with the aforesaid papers.

On motion, by order,

The resolution of the House of Assembly for the appointment of committees to settle the Loan Office Accounts, was read the second time and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, P. M., June 21st, 1778.

“ The House, taking into consideration that part of the message from the Council of the 14th of May last, objecting to the resolution of this House, of the 1st of the same month, for the appointment of committees for settling the accounts of the General Loan Office, concurred therein, and thereupon

“ *Resolved*, That David Finney and John Thompson, Esq's, be appointed, on the part of this House, a committee for the County of New Castle ; William Killen and James Sykes, Esquires, a committee for the County of Kent ; and William Peery and John Clowes, Esquires, a committee for the County of Sussex, for the purpose of settling and adjusting the accounts of the respective Loan Offices and Military Treasurers within this State, and also the accounts of a Committee of Safety, formerly for the County of Sussex, agreeable to two resolutions of this House of the aforesaid 1st of May.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

And thereupon the Council, on their part, have nominated Samuel Patterson, Esquire, for the County of New Castle ; Eleazar McComb, Gentleman, for the County of Kent ; and Joseph Hazzard, Gentleman, for the County of Sussex, in addition to the number chosen by the House of Assembly, for the purpose aforesaid.

Ordered, That Mr. Conwell return to the House of Assembly the foregoing resolution, with the concurrence and appointment of the Council thereto.

Mr. Conwell, being returned, reported the delivery thereof according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Derrickson, a member of the House of Assembly, attending, was admitted and delivered to the Chair the Fee Bill, with the amendments proposed thereto by the Council, severally acceded to by the House of Assembly, except that part of the first which relates to the allowance to the Justices of the Courts of Common Pleas, &c., and an additional clause, proposed by way of amendment to the said bill by the House of Assembly, accompanied with a message from that House to the Council relative to the same.

The same member also delivered to the Chair a resolution of the House of Assembly for filling up the blanks, left for the commissioners' names, in the bill for a free pardon, &c.

On motion, by order, the message relative the amendments proposed by each House to the Fee Bill, was read the first time, and is as follows, viz :

" Gentlemen :

" The Assembly have taken into consideration the amendments proposed by your honorable House to the bill for regulating and establishing the Fees of divers Civil Officers of this State, and for other purposes therein mentioned, and have agreed to all the said amendments except that part of the first which makes the fees allowed to the Justices of the Courts of Common Pleas and Orphans' Courts and the Registers for the Probate of Wills double the sums allowed the said Justices and Registers by an act of Assembly of this State, passed the third day of November, one thousand seven hundred and seventy, entitled 'An act for regulating and establishing Fees,' which they have rejected, because they conceive the salaries the said Justices, by an act of Assembly of this State, passed the twenty-second day of February, one thousand seven hundred and seventy-seven, when added to the sums allowed by the first recited act, will make ample provision for defraying

“the expenses incurred by the said Justices while attending the
 “business cognizable before their Courts, and because they con-
 “ceive the office of Register for the Probate of Wills is a lucra-
 “tive post, and the execution thereof not necessarily attended
 “with any great expense.

“The Assembly have also added another clause to the bill for
 “defraying the expenses incurred by the Justices of the Supreme
 “Court during the sitting thereof, and for allowing them fees for
 “services by them to be done, for which no provision hath here-
 “tofore been made, which they flatter themselves will be acceded
 “to by your honorable House.

“Signed by order of the House,

“Dover, June 24, 1778.

SAM. WEST, *Speaker.*”

On motion, by order,

The resolution of the House of Assembly for filling up the
 blanks, left for the commissioners' names, in the bill for a free
 pardon, &c., was read and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“WEDNESDAY, P. M., June 24, 1778.

“On motion,

“*Resolved*, That the blanks, left for the names of the commis-
 “sioners, in the bill entitled ‘An act of free pardon and oblivion,
 “and for other purposes therein mentioned,’ be filled up as fol-
 “lows, viz :

“For New Castle County—William M. Clay, Gentleman.

“For Kent County—The Honorable Samuel West, Esquire.

“For Sussex County—Levin Derrickson, Esquire.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly.*”

Adjourned to 10 o'clock to-morrow.

THURSDAY, A. M., June 25th, 1778.

The Council met. All present as on yesterday.

On motion, by order, the message from the House of Assembly to the Council of yesterday was read a second time ; whereupon the following answer was drawn up at the table, read and agreed to, to wit :

Gentlemen :

The Council have taken your message of yesterday, relative to the amendments proposed by Council to the bill entitled "An act for regulating and establishing the Fees of divers Civil Officers, &c.," and the amendments proposed by your honorable House to said bill, into consideration, and have receded from their first amendment, proposing to strike out all the words of the clause in the second page of the aforesaid bill which follow the word [the] in the 3d line next before the word [Justices], and agree that they shall stand after the other words by Council proposed to be added to that exception.

We have also agreed to your proposed amendment with the following alterations, to wit : Dele the words [said act for establishing fees] and insert [by the laws of this State] ; also add the words [and Court of Oyer and Terminer and General Goal Delivery] after the word [Court] in the fourth line of said amendments. Dele the word [Supreme], in the third line of the enacting clause, and add the letter [s] to the next word. Dele the words [the State], in the line next following, and insert these words : [by the respective counties where the said Courts shall be held]. Dele the words [above-recited act] and insert [by the laws of the State]. Dele the word [the] and insert the word [such] ; and also dele the words [in which they respectively reside].

Ordered, That Mr. Conwell wait on the House of Assembly with the above message, and return the bill for regulating the fees, &c., with its amendments.

Mr. Conwell, being returned, reported that he had waited on the House of Assembly with the said papers according to order.

Ordered, That Mr. Hyatt wait on the House of Assembly with the bill for a free pardon, &c., and its amendments, and inform them that the Council have agreed to the amendments proposed by them to the said bill, and have also proposed a further paper of amendments to the same.

Mr. Hyatt, being returned, reported that he had delivered the same according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Clark, a member of the House of Assembly, attending, was admitted and returned the bill for a free pardon, with the amendments proposed to the same by the Council acceded to by the House of Assembly.

The same member delivered to the Chair "A bill to prevent the exportation of provisions from this State beyond the seas."

On motion, the pardon bill was read and passed the Council, and thereupon

Ordered, That the bill for a free pardon be engrossed.

On motion, by order, the bill to prevent the exportation of provisions, &c., was read the first time.

By special order the same was read the second time and passed the Council.

Ordered, That Mr. Conwell return the same to the House of Assembly, and inform them that the Council have agreed thereto.

Mr. Conwell reported that he had returned the said bill according to order.

Mr. Derrickson, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following verbal message from the House of Assembly to the Council, viz :

“The House of Assembly finding they cannot, this evening, finish the business before them, have agreed to postpone the adjournment of the General Assembly until to-morrow afternoon.”

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., June 26th, 1778.

The Council met. Present the same members as on yesterday.

The bill for a free pardon, &c., being engrossed, was read and compared, and ordered to be sent by Mr. Clowes to the House of Assembly for comparison, and to be signed by the Speaker of that House, together with the resolution for filling up the blanks left for the names of the commissioners in the said bill, in which the Council had concurred.

Mr. Clowes, being returned, reported that he had waited on the House of Assembly with the said papers according to order.

Mr. Ridgely, a member of the House of Assembly, attending, was admitted and delivered to the Chair the several bills passed this session, severally signed by the Speaker of the House of Assembly, together with the amendments to each, and a resolution of that House for affixing the Great Seal to the said bills.

The same member also delivered the resolutions of the House of Assembly for procuring the records and public papers of this State, and lastly the resolutions of Assembly of the 25th June, 1778.

On motion, by order, the resolution of the House of Assembly for affixing the Great Seal to the several bills passed this session was read and concurred in, and is in these words, viz :

“IN THE HOUSE OF ASSEMBLY,

“FRIDAY, A. M., June 26th, 1778.

“On motion,

“*Resolved*, That the President and Commander-in-Chief affix the Great Seal of this State to the following bills, to wit :

“1. ‘An act of free pardon and oblivion, and for other purposes therein mentioned ;’

“2. ‘An act to prevent the exportation of provisions from this State beyond the seas ;’

“3. ‘An act for aiding the discontinuance of the process in the Supreme Court of this State ;’

“4. ‘An act for regulating and establishing the fees of divers civil officers of this State, and for other purposes therein mentioned ;’

“5. ‘An act to enable Charles Pope, of the County of Kent, his heirs, executors or administrators, to erect a bridge over Duck Creek.’ ”

On motion, by order, the resolutions of the House of Assembly for procuring the records and public papers of this State were read and concurred in, and follow in these words, viz :

“IN THE HOUSE OF ASSEMBLY,

“FRIDAY, A. M., June 26, 1778.

“WHEREAS the records and public papers of this State and the County of New Castle have fallen into the hands of the British troops, lately in the City of Philadelphia, in the Province of Pennsylvania, and may yet remain there ; in order, therefore, to recover the same, if possible,

“*Resolved*, That the President of this State be empowered to appoint a proper person or persons to go to said city for the purpose aforesaid, to make inquiry for and demand and receive and secure such records and public papers from any person or persons in whose hands or possession the same, or any of them,

“may be, and this House will defray all expenses that may be necessarily incurred in said business.

“*And whereas* this House stands well informed that George Stephenson, Esquire, formerly a Surveyor in the Counties of New Castle and Kent, and now an inhabitant of Pennsylvania, hath in his possession many original warrants and other papers concerning the rights to land in this State,

“*Resolved*, That the President be desired to appoint some proper person to go to and demand and receive of the said George Stephenson all warrants and other papers concerning the titles of land, or other public papers belonging to this State, that may be in his possession; and that he cause the same papers, when received, to be safely lodged in the Recorder's Office of Kent County till the General Assembly shall otherwise direct.

“*Resolved*, That the President be empowered to draw upon the Trustee of the Loan Office in any county of this State for such sum or sums of money as may be necessary for this service, and this House will devise ways and means to replace the same.”

On motion, by order,

The resolutions of the Assembly of the 25th June, 1778, were read and concurred in, and are as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ THURSDAY, A. M., June 25th, 1778.

“ On motion,

“*Resolved*, That his Excellency, the President, be empowered and requested to give the necessary orders for the payment of the debts due to the Militia of this State, according to the resolves of the General Assembly thereof.

“ That he draw out of the Loan Offices of this State, or any of them, such sums of money as may be necessary for carrying into execution a resolve of the General Assembly empowering his Excellency to procure arms and ammunition and to employ an armourer, and this House will devise ways and means for replacing the same.

“That a transcript of the appointment by the General Assembly of a Commissary General of Prisoners for this State be made out for the said Commissary, and signed by the Speakers of both Houses, and that the President be empowered to pay into the hands of the said Commissary General such sum or sums of money as he may want for the purchasing provisions for the use of prisoners and for defraying the expense of the same out of any money that may be in any of the Loan Offices in this State not yet appropriated.”

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That the several bills passed this session be now signed by the Speaker of the Council.

Which was done accordingly ; and thereupon the Council, on their part, do appoint Mr. Jones and Mr. Clowes to be a committee, to join with a committee of the House of Assembly, to wait on his Excellency, the President, with the said bills and see him affix the Great Seal thereto.

Ordered, That Mr. Clowes return the said bills and the three last mentioned resolutions, severally signed by the Speaker of the Council, to the House of Assembly, and inform them of the appointment aforesaid.

Mr. Clowes, being returned, reported that he had waited on the House of Assembly with the papers committed to him, and informed them of the appointment aforesaid, according to order.

Mr. Craghead, a member of the House of Assembly, attending, was admitted and informed the Chair that the House of Assembly had acceded to their appointment, and have named, on the part of the House of Assembly, Messrs. Patterson, Ridgely,

and Hall to join the said committee of Council for the purpose aforesaid.

The committee, being returned, reported that they had waited on his Excellency, agreeable to order, and that he affixed the Great Seal of this State to the laws in their presence.

Mr. Waples, a member of the House of Assembly, attending, was admitted and delivered to the Chair a resolution of that House empowering the President to draw for monies allowed by the General Assembly, with an account for services done by James Booth, Esquire, as Secretary, amounting to £54 : 4 : 0.

On motion, by order, the foregoing resolution was read and concurred in, and follows in these words, viz :

“IN THE HOUSE OF ASSEMBLY,

“FRIDAY, P. M., June 26th, 1778.

“On motion,

“*Resolved*, That the President or Commander-in-Chief be empowered to draw out of the Loan Offices of this State, or any of them, such sum or sums of money as have been agreed by the General Assembly to be due to any person or persons for services rendered this State.

“On motion, by order, the account of James Booth, Esquire, for services done as Secretary, was read and allowed.”

Ordered, That the foregoing resolution, with the concurrence of the Council thereto, and the said account, be returned to the House of Assembly by Mr. —.

Who, being returned, reported the delivery of the same according to order.

The Council allowed the following accounts, brought in at this sitting, for services rendered the State, viz :

	£	s.	d.
To Mr. French Battell, for the expenses incurred by the members of the Council, as per account filed,	1018	0	0
To George Read, Esq., . . for mileage, &c., . . .	21	17	9
<i>Carried over</i> , ...	£1039	17	9

<i>Brought over,</i>			£1039	17	9
To Thomas Collins, Esq.,	"	"	14	3	9
To Nicholas Vandyke, Esq.,	"	"	24	17	1
To Richard Bassett, Esq.,	"	"	13	15	9
To John Baning, Esq.,	"	"	13	15	9
To William Conwell, Esq.,	"	"	16	1	4
To John Clowes, Esq.,	"	"	43	5	0
To Peter Hyatt, Esq.,	"	"	18	12	0
To John Jones, Esq.,	"	"	39	1	1
To Benjamin Vining, Esq., Clerk of the Council,			32	12	6
To John Smithers, Doorkeeper,			12	0	0
			£1268 2 0		

Resolved, That an order be drawn and signed by the Speaker for the payment of the said sum of £21 : 17 : 9 to George Read, Esq., on the Trustee of the Loan Office of New Castle County, and that orders be drawn and signed by the Speaker on the respective Trustees of the Loan Offices of Kent and Sussex Counties for the payment of the remaining sums.

Whereupon the said orders were drawn and signed by the Speaker.

Then the Council adjourned to the 10th day of August next, to meet at the Town of Dover.

In a note to the above the Clerk says : "N. B.—The General Assembly did not meet again this year, notwithstanding their adjournment." From what follows it may be inferred that the allusion is to the official year, the time for convening the General Assembly being the third Monday in October.

MINUTES OF COUNCIL.

OCTOBER, 1778.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Council at the Town of Dover, in the County of Kent, on Monday, the nineteenth day of October, Anno Domini one thousand seven hundred and seventy-eight, a sufficient number of members to compose a House not attending, the Council adjourned from day to day until Wednesday, the 28th day of October, 1778.

WEDNESDAY, A. M., October 28th, 1778.

The following members appeared in the Council, viz :

For New Castle County—Peter Hyatt.

For Kent County—Thomas Collins, Richard Bassett.

For Sussex County—John Clowes.

The return of the Sheriff and Inspectors for the County of New Castle of the election of a Councillor to fill the seat of Nicholas Vandyke, Esq., which became vacant on the first day of October last by rotation, being laid on the table, it appears that Samuel Patterson, Esq., was elected a member of the Council for the County of New Castle, in the room of the said Nicholas Vandyke, on the first day of this instant, October.

Mr. Patterson appeared in the Council.

The return of the Sheriff and Inspectors for the County of Kent of the election of a Councillor being laid on the table, it

appears that John Baning, Esq., whose seat became vacant on the first day of October last by rotation, was reëlected a member of the Council for the County of Kent, on the first day of this instant, October.

Mr. Baning appeared in the Council.

The return of the Sheriff and Inspectors for the County of Sussex of the election of a Councillor being laid on the table, it appears that William Conwell, Esq., whose seat became vacant on the first day of October last by rotation, was reëlected a member of the Council for the County of Sussex, on the first day of this instant, October.

Mr. Conwell appeared in the Council.

And it also appears by the said return that the freeholders and electors of the said county did elect, choose, nominate and appoint William Polk, Esq., of said county, to represent the freemen of the county aforesaid in the Legislative Council of the Delaware State, in the room of John Jones, Esq., late a member thereof, and whose seat is vacated by reason of the said John Jones being appointed one of the Justices of the Supreme Court for said State.

Mr. Polk appeared in the Council.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and proceeded to the choice of a Speaker, and Thomas Collins, Esq., was unanimously chosen.

The Speaker in the Chair, Mr. Benjamin Vining was appointed Clerk, and Benjamin Crooks Doorkeeper and Sergeant-at-Arms to the Council.

Messrs. Patterson, Baning and Conwell, three members chosen at the last general election, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitu-

tion of this State, and then took their seats in the Council. [*See note on page 10.*]

Benjamin Vining appeared in the Council, took the oath and subscribed the declaration prescribed by the 22d article of the Constitution of this State, and also took the oath of office as Clerk of the Council. [*See note on page 11.*]

Upon the question, whether William Polk, Esquire, can be admitted a legal member of the Council under the Sheriff's return and the present Constitution or form of Government, there having been no writ issued by the Speaker of the Council for the election of a Councillor in the room of John Jones, Esq., whose seat became vacant by the acceptance of an office, the Council are equally divided.

On the motion of Mr. Bassett, that the yeas and nays be entered on the said question upon the minutes, they are as follows, to wit :

For the affirmative—Mr. Clowes, Mr. Hyatt, Mr. Conwell.

For the negative—Mr. Bassett, Mr. Baning, Mr. Patterson.

And thereupon the Speaker gave the casting vote in the negative.

Mr. Peery, a member from the House of Assembly, attending, was admitted and delivered to the Chair a message from his Excellency, the President, to the Assembly, dated Oct. 23d, 1778, and inclosing a letter from the President of Congress, dated 10th July, 1778, with three acts of Congress, one passed the 2d day of Oct., 1778, for continuing the present embargo on provisions until the last day of January, 1779, and for other purposes therein mentioned ; a second, an act passed the 5th Oct., 1778, for exchanging, with Continental Currency, such local Bills of Credit as have been received in the Loan Offices of each State respectively ; a third, an act passed the 12th of the same instant, for encouraging true religion and good morals, and for the suppression of such entertainments as have a contrary tendency ; which, by order, were read the first time, and the said message follows in these words, to wit : *

* This message and sundry other documents, hereafter mentioned, do not appear in connection with the rough journal from which the proceedings of the

The same member delivered to the Chair three petitions from the County of Sussex, complaining of undue influence used at the late election in that county, with a list of the witnesses who are to be summoned to prove the facts alleged in the said petitions, which, by order, were read the first time.

The same member also delivered to the Chair a resolution of the House of Assembly for the sale of the barracks at Wilmington, which, by order, was read the first time; and a resolution of the House of Assembly empowering the President to draw for monies agreed by the General Assembly to be due to divers persons therein mentioned, which, by order, was read first time.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., October 29th, 1778.

The Council met. Present the same members as on yesterday.

On motion, by order,

The resolution of the House of Assembly empowering the President to draw for monies agreed by the General Assembly to be due to the persons therein mentioned, was read a second time, and an amendment was proposed and agreed to.

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence.

On motion, by order, the resolution of the House of Assembly, for the sale of the barracks at Wilmington, was read a second time and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,
“WEDNESDAY, A. M., Oct. 28, 1778.

“On motion of Captain John Lea,

Council, from Oct. 20 to Dec. 3d, 1778, inclusive, are copied. The completed journal for that period was not found when these papers were collected.

“That some person or persons be nominated and appointed to dispose of and sell the barracks now at the fort on Christiana Creek, for the use of the State, and make return thereof to the General Assembly, it being alleged that they are now unnecessary for the use of said fort, and are exposed to be carried away and destroyed ; thereupon

Ordered, That Captain John Lea be and he is hereby empowered to make public sale of the said barracks, and that he make return of his proceedings in the premises to the General Assembly at their next meeting.”

Ordered, That Mr. Clowes return to the House of Assembly the resolution for the sale of the barracks at Wilmington, concurred in by the Council ; and also the resolution of the House of Assembly empowering the President to draw for monies agreed by the General Assembly to be due to the persons mentioned therein, with the amendments proposed thereto by the Council.

Mr. Clowes, being returned, reported the delivery of the said papers according to order.

On motion, by order, the petitions from the County of Sussex, complaining of undue influence used at the late election in that county, were read the second time, and thereupon

Ordered, That Friday, the 30th day of this instant, be the day assigned for hearing the said petitioners, and that summons issue for the several persons whose names are returned to the Council by the Assembly as witnesses, requiring their attendance to support said petitions, returnable the day aforesaid, and also that notice of the day of said hearing be given to said petitioners by the Sergeant-at-Arms.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That the Speaker issue summons for John Plowman, Luke Watson, Emanuel Dodd, Samuel Laverty, John Hooper, Obadiah Smith, Jeremiah Cannon, Henry King, Levin Cannon, Joshua Obeer, Robert Cannon, George Polk, John Laws, and William Watson, all of the County of Sussex, to appear before the Council on Friday, the 30th instant, then and there to testify, and declare all such matters and things as they know concerning the petitions complaining of undue influence used at the election held on the 1st day of October last at Lewes-town, in Sussex County aforesaid; and that notice of the day of hearing be given to John Wiltbank, Thomas Evans, John Laws, and Isaac Smith, Esquires, four of the said petitioners, agreeable to the aforesaid order.

Summons were accordingly issued, returnable on Friday, the 30th instant, and notice given to the said petitioners.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., October 30th, 1778.

The Council met. Present the same members as on yesterday.

The Sergeant-at-Arms now made his return of the said summons, which, by order, was read, and thereupon, on motion,

Resolved, That the said petitioners, John Wiltbank, Thomas Evans, John Laws, and Isaac Smith, Esquires, be admitted into the Council Chamber, to hear the testimony adduced in support of the said petitions.

On motion,

Resolved also, That the door of the Council Chamber be opened ; and they were opened accordingly.

The Council then took into their deliberation what mode of taking the examination of the said witnesses would be the most expeditious, and, after some time spent therein, came to the following resolution, viz :

Resolved, That, for the dispatch of business and saving of time, the testimony be delivered *ore tenus*.

Then the said witnesses were produced before the Council and severally examined, and, being examined, were discharged.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., Oct. 31st, 1778.

The Council met. Present the same members as on yesterday.

The Council resumed the consideration of the petitions from the County of Sussex, complaining of undue influence used at the late election in that county, and, after hearing the petitioners and witnesses adduced to support the complaint,

Resolved, That there was no undue influence used at the said election, and that the aforesaid petitions are groundless and without the least foundation.

Mr. Peery, a member from the House of Assembly, attending, was admitted and delivered to the Chair two resolutions of the House of Assembly, the one a resolution for the appointment of a Committee for Public Accounts, the other a resolution for the appointment of a Committee of Claims on Forfeited Estates, &c.

On motion, by order,

The resolution of the House of Assembly for the appointment of a Committee of Claims on Forfeited Estates, &c., was read the first time.

By special order the same was read the second time and concurred in, and is as follows, viz : *

And thereupon

Resolved, That a committee of two be appointed on the part of the Council to join with the committee of the House of Assembly.

And, on motion, Messrs. Patterson and Hyatt are appointed for this purpose.

On motion, by order,

The resolution for the appointment of a Committee for Public Accounts was read the first time.

By special order the same was read the second time and concurred in, and is as follows, viz : *

And thereupon

Resolved, That a committee of two be appointed on the part of the Council to join with the committee of the House of Assembly.

And, on motion, Messrs. Baning and Hyatt are appointed a committee for this purpose.

Dr. Hall, a member from the House of Assembly, attending, was admitted and delivered to the Chair a message from his Excellency, the President, to the House of Assembly, dated October 29th, 1778, which, by order, was read and follows in these words, viz : *

The same member also delivered to the Chair a joint resolution of both Houses, in June last, empowering the President to appoint one or more persons to go to Philadelphia in quest of the records and public papers of this State captured by the enemy in September, 1777, with the President's appointment of General Patterson for this service, and also General Patterson's account of expenses incurred in procuring the said papers, with lists of and receipts for the same from the different officers in New Castle County, to whom they were delivered, which, by order, were severally read.

* See note on page 315.

The same member also delivered to the Chair a joint resolution of both Houses, in June last, for procuring public records from Geo. Stevenson, Esq., with the President's appointment of William Manlove for this service, Manlove's account of expenses in procuring the same, and Geo. Stevenson's receipt for money paid him by William Manlove for the safe keeping of the said papers, which, by order, were severally read.

The same member also delivered to the Chair a resolution of the House of Assembly for allowances to General Patterson and William Manlove for their services and expenses in procuring public papers, which, by order, was read the first time.

By special order the same was read the second time and concurred in, and is in these words, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ FRIDAY, A. M., Oct. 30, 1778.

“ The House of Assembly took into consideration the account of Samuel Patterson, Esq., for cash paid by him for procuring part of the public papers of this State and of the County of New Castle, and for his expenses at Philadelphia during that service, amounting to £102 : 16 : 6, and the same was allowed by the House.

“ Mr. Speaker laid before the House of Assembly an account of William Manlove, who was appointed by the President, in pursuance of joint resolutions of both Houses made in June last, to demand and receive of George Stevenson, Esquire, all public papers concerning the title of lands in this State, for cash paid to the said Stevenson for those papers, the sum of £50, and for his expenses in going to Lancaster and Carlisle, in Pennsylvania, in the execution of that service, £50. The House, taking the said account into consideration, allowed the said sum of one hundred pounds to the aforesaid William Manlove.

“ Extract, &c.

J. B.”

Mr. Waples, a member from the House of Assembly, attending, was admitted and delivered to the Chair a commission of Alex. Stewart as 2d Lieutenant of the Delaware Regiment, with his resignation of the same endorsed thereon, and his petition to

the General Assembly, praying to be reimbursed his expenses necessarily incurred while he was a prisoner on Long Island.

The same member also delivered to the Chair the report of the committee of the House of Assembly, to whom the said petition was referred.

On motion, by order,

The commission of Alex. Stewart and his resignation thereof, together with his petition and the report of the committee to whom the said petition was referred, were read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That Mr. Conwell return to the House of Assembly the resolution for the appointment of Committees for Public Accounts, and also the resolution for the appointment of Committees of Claims on Forfeited Estates, with the appointment and concurrence of the Council thereto.

Mr. Conwell, being returned, reported the delivery of the same according to order.

Ordered, That Mr. Baning return to the House of Assembly the President's message and the joint resolutions for procuring the public records, together with the appointments by virtue of these resolutions ; General Patterson's account and the list of the papers and receipts of the officers for the same ; and also the resolution for the allowances to General Patterson and William Manlove, concurred in by the Council.

Mr. Baning, being returned, reported the delivery of the said papers according to order.

The commission of Alex. Stewart, and his resignation indorsed thereon, were, by order, read the second time, likewise the peti-

tion of the said Alex. Stewart, and the report of the committee of the House of Assembly, to whom the said petition was referred, were, by order, read a second time, and the report concurred in by the Council, and follows in these words, to wit :

“The committee to whom was referred the petition of Alexander Stewart, setting forth that he had been captivated by the enemy at the battle of Long Island on the 27th day of August, 1776, and that he had been detained as a prisoner of war until exchanged, during which time he had been under the necessity of expending considerable sums of money for his subsistence, as no provision had at that time been made for American prisoners, and for part of which he is still indebted, beg leave to report—That they examined the said Alexander Stewart respecting the monies by him expended for subsistence during the time of his captivity, and are of opinion that he ought to be allowed the sum of £130 to reimburse him for necessary expenses while he was detained a prisoner.”

Ordered, That Mr. Hyatt return to the House of Assembly the commission and petition of Alexander Stewart, with the report of the committee of the House of Assembly, concurred in by the Council.

Adjourned till Monday morning, 10 o'clock.

MONDAY, A. M., November 2d, 1778.

The Council met and adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met. Present the same members as on Saturday, except Mr. Bassett.

Mr. Craghead, a member from the House of Assembly, attending at the door, was admitted and delivered to the Chair a bill entitled "An act to continue an act entitled 'An act to prevent the exportation of provisions from this State beyond the seas.'"

The same member also delivered to the Chair a resolution of the House of Assembly empowering the President to draw for six thousand dollars, &c.

Mr. Speaker laid on the table a petition, signed by sundry inhabitants of this State, praying the aid of the Legislature in establishing and increasing the wages of waggoners, which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., Nov. 3d, 1778.

The Council met. Present the same members as on yesterday.

The resolution of the House of Assembly empowering the President to draw for six thousand dollars, &c., was, by order, read and concurred in, and is as follows, viz :*

The Council being informed that, by the non-attendance of some and the going away of others of the members of the House of Assembly, a sufficient number were not in town to form a House, and no prospect of their attendance until convened by special order of the President, thereupon

* See note on page 315.

Resolved to adjourn until the first Monday in January next.

Resolved also, That it be recommended to the President that he call the General Assembly on the first Monday in January next, if the exigency of affairs may not make it necessary to convene the General Assembly sooner.

Ordered, That a copy of the above resolution be delivered by the Clerk to the President.

Then the Council adjourned till the first Monday in January next.

MINUTES OF COUNCIL.

NOVEMBER, 1778.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

CALLED SESSION, NOVEMBER, 1778.

At a meeting of the Council at the Town of Dover, in the County of Kent, by a special order of the President, on Monday, the twenty-third day of November, Anno Domini 1778, a quorum of the members not attending, the Council adjourned from day to day until Wednesday, the 2d day of December, 1778.

WEDNESDAY, P. M., December 2d, 1778.

The Council met. Present the following members, viz :

For New Castle County—George Read, Samuel Patterson.

For Kent County—Thomas Collins, Richard Bassett, John Baning.

For Sussex County—John Clowes.

On motion

Resolved, That a committee of three be appointed to wait on his Excellency, the President, to inform him that a sufficient number of the members of the Council have met to make a House and request that his Excellency would be pleased to order the writs by him issued for the calling of the General Assembly

of the State, with their returns, to be laid before the Council for their inspection.

Messrs. Patterson, Bassett, and Clowes are appointed for this purpose. The gentlemen, being returned, reported that they had waited on his Excellency, the President, and delivered the said message according to order.

Mr. Patterson, one of the committee appointed as aforesaid, delivered to the Chair a message from his Excellency, the President, to the Legislative Council, which, by order, was read, and follows in these words, viz :

“Gentlemen of the Legislative Council :

“I received your committee this morning, and am pleased to hear by them you are met in Council.

“Agreeable to your request, I have sent you herewith the writs by which you were called together, and must beg leave to refer you to my messages of the twenty-seventh and twenty-eighth of November, directed to the General Assembly and delivered to the House of Assembly, for the business of your meeting.

“CÆSAR RODNEY.

“Dover, December the 2d, 1778.”

And the same member also delivered to the Chair the writs issued by his Excellency, the President, for the calling of the General Assembly of the State, with their returns, which, by order, were severally read.

Mr. Read, in his place, made his excuse for non-attendance at the sitting of the Council in June and October last, which was admitted ; and also informed the Chair that Mr. Hyatt, on account of the indisposition of his family, could not attend at the beginning of this sitting, whereupon he was excused.

On motion,

Ordered, That the Speaker issue a writ to the Sheriff of Sussex County, directing him to hold an election in that county, agreeable to the Constitution and Laws of this State, for the choosing of one new member of the Council for the said county in the room of John Jones, whose seat became vacant by his acceptance

of the office of one of the Judges of the Supreme Court of this State.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., December 3d, 1778.

The Council met. Present the same members as on yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Craghead, a member from the House of Assembly, attending, was admitted and presented to the Chair the President's message to the General Assembly, dated the 27th of November, 1778, which was read, and follows in these words, viz : *

And also an act of Congress of the 26th September, 1778, for organizing the Public Treasury, and a recommendation to the respective States to enact laws for the taking and securing the persons and property of the debtors to the United States, which, by order, was read the first time.

The same member also delivered to the Chair a copy of the Articles of Confederation and Perpetual Union, attested by the President of Congress, which follows in these words, to wit : *

Which, by order, was read the first time.

The same member also delivered to the Chair a copy of the

* See note on page 315.

Treaties of Amity and Commerce and of Alliance between France and the Thirteen United States of America, which, by order, was read the first time ; and also an act of Congress, recommending to the Legislative or Executive powers of each of the United States to appoint Wednesday, the 30th day of December, to be observed as a day of Thanksgiving and Praise, which, by order, was read the first time.

On motion of Mr. Bassett, for leave to bring in a bill for aiding the discontinuance of the process in the Supreme Court of this State, and the same being granted, Mr. Bassett laid a bill for that purpose on the table, which was read the first time.

Ordered, That Mr. Clowes return to the House of Assembly the commission and petition of Lieutenant Alexander Stewart, together with the report of the House of Assembly thereon, concurred in by the Council ; and also the resolution of that House, empowering the President to draw for six thousand dollars in favor of George Latimer, Esq., to be by him applied in discharge of money allowed to be due to the Militia of this State, with the concurrence of the Council thereto.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., December 4th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Clowes now reported the delivery of the several papers given him in charge, according to the order of yesterday.

Mr. Davis, a member of the House of Assembly, attending, was admitted and delivered to the Chair Capt. Jonathan Robinson's certificate of his loan of £300 to the Delaware State, and also Doctor Way's certificate of his loan of £100 to the said State, assigned to the said Robinson, together with a resolution empowering the Speakers of the Council and House of Assembly to draw on the State Treasurer for the monies due thereon.

The same member also delivered to the Chair a letter from Francis Bailey, printer, addressed to George Craghead, Esquire, inclosing his account for printing the Acts of Assembly of this State, &c., amounting to £287 : 15 : 0, with a resolution empowering the Speakers of the Council and House of Assembly to draw on the State Treasurer, for the payment of the said account, in favor of the said George Craghead, Esquire.

The same member also delivered to the Chair a bill entitled "An act to prevent and punish the frauds and abuses of Quartermasters and Commissaries General, their deputies and assistants, and others."

On motion, by order, the foregoing certificates of Jonathan Robinson and Nicholas Way, and the resolution empowering the Speakers of the two Houses to draw on the State Treasurer for the monies due thereon, were severally read the first time.

On motion, by order, Francis Bailey's letter and account for printing the laws of this State, &c., and the resolution empowering the Speakers of the two Houses to draw on the State Treasurer for the payment of the same, were severally read the first time.

On motion, by order,

The bill to prevent and punish frauds and abuses of the Quartermasters and Commissaries General, their deputies and assistants, and others, was read the first time.

Mr. Stout, a member of the House of Assembly, attending, was admitted and delivered to the Chair a resolution empowering the Speakers of the Council and House of Assembly to draw on the State Treasurer for £130 : 0 : 0 in favor of Alexander Stewart, which, by order, was read the first time.

On motion, by order,

The bill for aiding the discontinuance of the process in the Supreme Court, was read the second time by paragraphs, and an amendment, by way of addition, was proposed thereto, which, being agreed to, was made in the bill, whereupon the bill, as amended, was read, agreed to, and passed the Council.

Ordered, That Mr. Baning wait on the House of Assembly with the said bill for their consideration and concurrence.

On motion, by order,

The Articles of Confederation and Perpetual Union, were read the second time and referred to a committee of three, to report thereon. The gentlemen chosen: Mr. Read, Mr. Bassett, and Mr. Clowes.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Banning now reported the delivery of the bill committed to him according to order.

Mr. John Clayton, a member of the House of Assembly, attending, was admitted and returned to the Chair the bill for aiding the discontinuance of the process in the Supreme Court, agreed to by the House of Assembly.

Ordered to be engrossed.

On motion, by order,

The act to continue an act entitled "An act to prevent the exportation of provisions from this State beyond the seas," was read the first time.

On motion, by order,

The resolution empowering the Speakers of the Council and House of Assembly to draw an order on the State Treasurer for £130 in favor of Alexander Stewart, was read the second time and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,

"FRIDAY, A. M., December 4th, 1778.

"On motion,

"*Resolved*, That the Speakers of the Council and House of Assembly be empowered to draw an order on the State Trea-

“surer in favor of Alexander Stewart for the sum of one hundred and thirty pounds, allowed him by the General Assembly, to reimburse him for necessary expenses while detained a prisoner on Long Island, and that Mr. Stout wait on the Council with this resolution for their concurrence.

“Extract from the minutes.

“WILLIAM PEERY, *Cl'k P. T.*”

On motion, by order,

The resolution empowering the Speakers of the two Houses to draw an order on the State Treasurer in favor of George Craghead, Esquire, to enable him to discharge the account of Francis Bailey, printer, was read the second time, concurred in, and follows in these words, viz :

“IN THE HOUSE OF ASSEMBLY,
“THURSDAY, P. M., December 3, 1778.

“The House took into consideration a letter from Mr. Francis Bailey, directed to George Craghead, Esquire, inclosing an account, amounting to two hundred and eighty-seven pounds fifteen shillings, for printing seven hundred and fifty copies of Acts of Assembly of this State, and four thousand seven hundred and seventy-five certificates ; and thereupon

“*Resolved*, That the Speakers of the Council and House of Assembly be empowered to draw an order on the State Treasurer in favor of George Craghead, Esquire, for the said sum of two hundred and eighty-seven pounds fifteen shillings, to enable him to discharge the said account.

“Extract from the minutes.

WILLIAM PEERY, *Cl'k P. T.*”

Ordered, That Mr. Bassett wait on the House of Assembly and return the foregoing resolves, with the concurrence of the Council thereto respectively.

Mr. Bassett, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., December 5th, 1778.

The Council met. Present the same members as on yesterday, except Mr. Clowes.

Dr. Clayton, a member of the House of Assembly, attending, was admitted and delivered to the Chair a resolution empowering the Speakers of the two Houses to draw on the State Treasurer for ten thousand dollars, in favor of Thomas Rodney, to enable him to pay for clothing purchased for the Delaware Regiment.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the preceding resolution was read the first time.

By special order the same was read the second time, and sundry amendments were proposed and agreed to, and ordered to be transcribed.

Ordered, That Mr. Bassett wait on the House of Assembly with the foregoing resolution and transcribed amendments for their concurrence.

On motion, by order,

The act of Congress recommending to the Legislative or Executive powers of each of the United States to appoint Wednesday, the thirtieth day of December, to be observed as a day of Thanksgiving and Praise, was read the second time, and thereupon

Resolved, That the same be delivered to his Excellency, the President, and that he be requested to issue his proclamation accordingly.

Ordered, That Mr. Bassett return to the House of Assembly the foregoing act of Congress, together with the resolve of Council founded thereon, for their concurrence.

Mr. Bassett, being returned, reported the delivery, according to order, of the several papers committed to his charge.

On motion, by order,

The act to continue an act entitled "An act to prevent the exportation of provisions beyond the seas," was read the second time and disagreed to ; and thereupon

Resolved, That a committee of two be appointed to prepare and bring in a bill to prohibit the exportation of provisions beyond the seas for a limited time.

The gentlemen chosen : Mr. Patterson and Mr. Bassett.

On motion, by order,

The bill to prevent and punish frauds and abuses in the Quartermaster's and Commissary's Departments, &c., was read the second time and referred to a committee of two, to consider and report thereon.

The members chosen : Mr. Read and Mr. Baning.

On motion, by order, the petition praying the aid of the Legislature in establishing and increasing the wages of waggoners, was read the second time and referred to the same committee.

Mr. Adams, a member of the House of Assembly, attending, was admitted and returned to the Chair the resolve of Council respecting the appointment of Wednesday, the thirtieth day of December, to be observed as a day of Thanksgiving and Praise, with the concurrence of the House of Assembly thereto, together with the act of Congress recommending the same.

The same member also delivered to the Chair the resolution empowering the Speakers of the two Houses to draw an order on the State Treasurer in favor of Thomas Rodney for ten thousand dollars, &c., with the amendments proposed thereto by the Council acceded to by the House of Assembly.

Ordered, That a copy of the resolve of Council for appointing

Wednesday, the thirtieth day of December, to be observed as a day of Thanksgiving and Praise, with the act of Congress recommending the same, be delivered by Mr. Read to the President.

On motion, by order,

The resolution empowering the Speakers of the Council and House of Assembly to draw an order on the State Treasurer in favor of Thomas Rodney for ten thousand dollars, as amended and agreed to, was read and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ FRIDAY, P. M., December 4th, 1778.

“ WHEREAS the sum of seven thousand five hundred dollars, “ directed by the General Assembly the twentieth day of April “ last past to be borrowed and put into the hands of Thomas “ Rodney, Esquire, for the purpose of completing the clothing “ of the Delaware Regiment, hath not been obtained ; therefore

“ *Resolved*, That the Speakers of the Council and House of “ Assembly be empowered to draw an order on the State Treasurer in favor of the said Thomas Rodney for ten thousand “ dollars, to enable him to pay for clothing purchased for the “ Delaware Regiment ; and the said Thomas Rodney is to be “ accountable for the expenditure thereof to the General Assembly.

“ Extract from the minutes.

“ WILLIAM PEERY, *Cl'k P. T.*”

Ordered, That Mr. Patterson return the same to the House of Assembly, concurred in by the Council.

Mr. Patterson, being returned, reported that he had waited on the House of Assembly with the above resolution, according to order.

Adjourned till Monday morning, 10 o'clock.

MONDAY, December 7th, 1778.

The Council met. Present the same members as on Saturday.

Doctor Clayton, a member of the House of Assembly, attending, was admitted and delivered to the Chair the resolution of the House of Assembly of the 28th October last, empowering the President to draw for monies agreed by the General Assembly to be due to divers persons therein mentioned, with the amendments proposed thereto by the Council acceded to by the House of Assembly.

The same member also delivered a bill entitled "An act to appoint commissioners to hear and determine the claims of the officers and soldiers of the Whig Battalion, &c."

The same member also delivered a letter to the President of this State from Nathaniel Scudder, Gouvernour Morris, and William Whipple, with a bill entitled "An act to prohibit, for a limited time, the distilling of whiskey and other spirits from wheat, rye, or any other sort of grain, or from any meal or flour," founded on the said letter.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., December 8th, 1778.

The Council met. Present the same members as on yesterday, and also Mr. Clowes.

Mr. Stout, a member of the House of Assembly, attending, was admitted and delivered to the Chair a petition from sundry owners of the Fern Hook and Bosman's Creek Marshes, in New Castle County, respecting the division of the banks inclosing the same, together with a bill, founded on the same petition, by way of supplement to the act entitled "An act to enable the owners and possessors of the meadow, marsh and cripple on the south

side of Christiana Bridge, called Fern Hook Marsh, and of the marsh and meadow on the south side of the same creek, called Bosman's Creek Marsh, in the County of New Castle, to keep the banks and sluices in repair, and to raise a fund to defray the expenses thereof," passed the 24th day of March, 1770.

The same member also delivered a set of resolutions of the House of Assembly to make provision for the officers of the Delaware Regiment, and also a resolution of that House for appointing George Craghead, Esq., Clothier-General of this State.

On motion, by order, the foregoing petition from the owners of Fern Hook and Bosman's Creek Marshes, and the supplementary bill founded thereon, were severally read the first time.

On motion, by order, the resolutions of the House of Assembly, for providing for the officers of the Delaware Regiment, were read the first time.

On motion, by order, the resolution of the House of Assembly for appointing George Craghead, Esq., Clothier-General of this State, was read the first time.

On motion, by order, the resolution of the House of Assembly empowering the President to draw for monies agreed by the General Assembly to be due to divers persons therein mentioned, was read the first time.

On motion, by order, the bill to appoint commissioners to hear and determine the claims of the officers and soldiers of the Whig Battalion, &c., was read the first time.

On motion, by order, the letter from Messrs. Scudder, Morris, and Whipple, and the bill founded thereon, to prohibit, for a limited time, the distilling of whiskey and other spirits from wheat, rye, or any other sort of grain, or from any meal or flour, were read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., December 9th, 1778.

The Council met. Present the same members as on yesterday.

Mr. Davis, a member of the House of Assembly, attending, was admitted and delivered to the Chair an account of the sale of the barracks at Wilmington, together with a resolution of the House of Assembly for the payment of the money arising from the sale thereof to the State Treasurer, which, by order, were read the first time.

On motion, by order,

The resolution of the House of Assembly, of the 28th October last, empowering the President to draw for monies agreed by the General Assembly to be due to divers persons, as amended and agreed to, was read the second time and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ WEDNESDAY, A. M., October 28th, 1778.

“ On motion,

“ *Resolved*, That the President or Commander-in-Chief be empowered and required to draw on the Trustees of the Loan
“ Offices of this State, or any of them, for the sum of thirty-five
“ pounds nine shillings and nine pence, agreed by the General
“ Assembly, on the 22d day of February, 1777, to be due to
“ Charles West, late Fort-Major at Wilmington; and also for the
“ sum of one hundred and twenty-three pounds fifteen shillings,
“ agreed by both Houses, on the 7th of June, 1777, to be due to
“ General Rodney, Colonel Thomas Collins, and James Latimer,
“ Esq's; and also for the sum of forty-eight pounds, allowed by
“ the General Assembly, in February, 1777, to Col. Thomas Col-
“ lins as one of the signers of papers Bills of Credit emitted in
“ this State in the year 1776; and also for the sum of forty-seven
“ pounds one shilling and nine pence, allowed, as aforesaid, in
“ February, 1777, to Colonel Thomas Collins and Samuel West,
“ for executing the commission given them by the General As-
“ sembly in November, 1776, respecting the battalions then

“under Colonels Haslet and Patterson, &c. ; and also for the
“sum of thirty-eight pounds ten shillings, allowed, as aforesaid,
“in June, 1777, to Colonel Thomas Collins and John Thompson,
“Esquires, for their attendance on public affairs in the County
“of Sussex in the year 1777, he taking receipts for the said
“draughts.

“Extract from the minutes.

“WILLIAM PEERY, *Cl'k P. T.*”

On motion, by order,

The resolutions of the House of Assembly to make provision for the officers of the Delaware Regiment, were read the second time and postponed for consideration.

Ordered, That Mr. Bassett wait on the House of Assembly with the resolutions of the 28th October last, empowering the President to draw for monies agreed by the General Assembly to be due to divers persons, concurred in by the Council, and also deliver the following verbal message, viz :

Gentlemen :

The Council desire to be informed whether any paper, or remonstrance, from the officers of the Delaware Regiment, was laid before your House on which your resolution of the 7th instant, making provision for the officers of the said regiment, was founded. If so, the Council request that the said papers may, by order of your House, be laid before them.

Mr. Bassett, being returned, reported that he had waited on the House of Assembly with the above papers, according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the account of the sales of the barracks at Wilmington, and the resolution of the House of Assembly for the payment of the monies arising from the sale thereof to the State Treasurer, were read the second time, and the said resolution was concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ WEDNESDAY, A. M., December 9th, 1778.

“ On motion,

“ *Resolved*, That Captain John Lea pay the sum of eighty-one pounds twelve shillings, now in his hands, arising from the sales of the public barracks at the fort on Christiana Creek, to the State Treasurer, and that the same be subject to the joint draughts of both Houses.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Ordered, That Mr. Clowes return the foregoing account and resolution, concurred in by the Council, to the House of Assembly.

Mr. Clowes, being returned, reported the delivery thereof according to order.

Doctor Clayton, a member of the House of Assembly, attending, was admitted and presented to the Chair two letters from Colonels Hall and Pope and one from Capt. Patton, accompanied with a petition from the officers of the Delaware Regiment, praying that provision may be made for them by the General Assembly of this State.

On motion, by order, the foregoing letters and petition were read the first time.

Mr. Hyatt now appeared in the Council.

The committee appointed to prepare and bring in a bill to prohibit the exportation of provisions from this State beyond the seas for a limited time, now delivered one at the table.

On motion, by order, the foregoing bill was read the first time.

By special order the same was read the second time, and some amendments being proposed and agreed to and made therein, the said bill passed the Council.

Ordered, That Mr. Clowes wait on the House of Assembly with the foregoing bill for their consideration and concurrence.

Who, being returned, reported the delivery thereof according to order.

Mr. Peery, a member of Assembly, attending, was admitted and returned to the Chair the above-mentioned bill, with the concurrence of the House of Assembly thereto.

The same member also delivered to the Chair a message from the President to the General Assembly, inclosing a circular letter from a committee of Congress of the 11th of November last, and a letter from the President of the Council of Massachusetts Bay, with an act of the General Assembly of Massachusetts Bay to prevent the return into that State of all persons who have joined the enemy.

Ordered, That the bill to prohibit the exportation of provisions beyond the seas for a limited time be engrossed.

The said bill, being engrossed, was read, compared, and, by order, signed by the Speaker of the Council.

On motion, by order, the engrossed bill for aiding the discontinuance of the process in the Supreme Court, was read and compared.

Ordered, That the same be signed by the Speaker of the Council ; which was done accordingly.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the following laws, to wit :

1. "An act for aiding the discontinuance of the process in the Supreme Court ;"

2. "An act to prohibit the exportation of provisions from this State beyond the seas for a limited time."

Ordered, That Mr. Patterson wait on the House of Assembly with the above-mentioned bills, in order that the same may be compared and signed by the Speaker of that House, and also deliver the resolution of the Council for affixing the Great Seal to the said bills for their concurrence.

Mr. Patterson reported the delivery, according to order, of the above papers.

Mr. Clowes applied for leave of absence till Monday next, which was granted.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, December 10th, 1778.

The Council met. Present the same members as on yesterday, except Mr. Clowes.

Some of the members of the Council attending on committees, the Council adjourned till to-morrow morning, 10 o'clock

FRIDAY, December 11th, 1778.

The Council met. Present the same members as on yesterday.

Some of the members attending on committees, the Council adjourned till to-morrow morning, 10 o'clock.

SATURDAY, December 12th, 1778.

The Council met. Present the same members as on yesterday.

Some of the members attending on committees, the Council adjourned till Monday morning, 10 o'clock.

MONDAY, December 14th, 1778.

The Council met. Present the same members as on Saturday.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, December 15th, 1778.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, December 16th, 1778.

The Council met. Present the same members as on yesterday, and also Mr. Clowes.

Mr. Conwell now appeared in the Council.

The return of the Sheriff and Inspectors for the County of Sussex of the election of a Councillor, by virtue of a writ issued

by the Speaker of the Council for that purpose, to fill the seat of John Jones, Esq., which became vacant by his acceptance of the office of one of the Judges of the Supreme Court of this State, being laid on the table, it appears that William Polk, Esquire, was elected a member of the Council for the County of Sussex, in the room of the said John Jones.

Mr. Polk attended in the Council, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and took his seat. [*See note on page 10.*]

On motion of Mr. Polk,

Ordered, That the rules to be observed by the members of Council during the sitting thereof be read ; which was done accordingly.

Mr. Clowes, in his place, made his excuse for his non-attendance on Monday last, which was admitted.

The committee to whom were referred the bill to prevent and punish frauds and abuses in the Quartermaster's and Commissary's Departments, and the petition from the owners of waggons for an increase of wages, now delivered their report at the table, which, by order, was read the first time.

On motion, by order,

The bill, by way of supplement to the act entitled "An act to enable the owners and possessors of the meadow, marsh and cripple on the south side of Christiana Creek, called Fern Hook Marsh, and of the marsh and meadow on the south side of the same creek, called Bosman's Creek Marsh, in the County of New Castle, to keep the banks, &c., in repair and raise a fund to defray the expenses thereof," was read the second time and passed the Council.

Mr. Speaker laid on the table a petition from Isaac Carty and Edward Rees against the bill for preventing the distilling of spirits from any kind of grain.

On motion, by order, the said petition was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, December 17, 1778.

The Council met and adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., December 18, 1778.

The Council met. Present all the members.

On motion, by order,

The report of the committee to whom were referred the bill to prevent and punish frauds and abuses in the Quartermaster's and Commissary's Departments, and the petition from the owners of waggons for an increase of wages, was read the second time.

The same was read a third time by paragraphs and agreed to by the Council.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, December 19th, 1778.

The Council met and adjourned till to-morrow morning, 10 o'clock.

SUNDAY, December 20th, 1778.

The Council met. Present all the members.

The Council being informed that, by the non-attendance of some and the going away of others of the members of the House of Assembly, a sufficient number were not in town to form a House, and no prospect of their attendance until convened by special order of the President, thereupon

Resolved, That the Council adjourn till the fifth day of January next.

Resolved also, That it be recommended to the President that he issue his writs of summons for the calling together of the members of the House of Assembly on the said fifth day of January for the dispatch of public business.

Ordered, That the Clerk of this House deliver a copy of the above resolution to the President.

Then the Council took into consideration the accounts brought in for expenses of their members and officers during their attendance at the last and present meeting, and the traveling charges of the members to and from the place of meeting, and the following accounts were allowed, viz :

To French Battell, his accounts for the expenses of the members of Council and their Clerk at his house, for the months of October, November, and to the 20th day of December, 1778, inclusive, ...	£ 594	10	0
To Samuel Patterson, Esq., for traveling charges, ...	12	0	0
To Peter Hyatt, Esq., " " " "	2	17	6
To John Clowes, Esq., " " " "	9	10	0
To William Polk, Esq., " " " "	2	0	0
To William Conwell, Esq., " " " "	4	10	0
To George Read, Esq., " " " "	6	0	0
<i>Carried over</i> , ...	£ 631	7	6

<i>Brought over</i> , ...	£ 631	7 6
To Benjamin Vining, for his services as Clerk of the Council, ...	20	7 6
To John Dawson, for riding express, &c., ...	1	10 0
To Edward Cole, for ditto, ...	1	10 0
To Thomas Wild, Doorkeeper and Sergeant-at-Arms, ...	11	10 0
Total, ...	£ 666	5 0

Ordered, That the Speaker draw orders on the Trustees of the Loan Offices of the respective Counties, in equal proportions, for the said sum of £ 631 : 7 : 6, in favor of Mr. French Battell; and that he draw orders for the remaining sum of £ 34 : 17 : 6, in favor of the several persons above-mentioned, on the Trustees of the Loan Office for Kent County.

Whereupon the said orders were drawn and signed by the Speaker.

Then the Council adjourned till the fifth day of January next.

MINUTES OF COUNCIL.

JANUARY, 1779.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1779.

At a meeting of the Council at the Town of Dover, in the County of Kent, by adjournment, on Tuesday, the fifth day of January, Anno Domini, 1779, a quorum of members not attending, the Council adjourned from day to day until Tuesday, the 12th instant.

TUESDAY, January 12th, 1779.

The Council met. Present the following members, viz :

For New Castle County—Samuel Patterson.

For Kent County—The Hon. Thomas Collins, John Baning.

For Sussex County—John Clowes, William Polk.

Dr. Hall, a member of Assembly, was admitted and delivered to the Chair a letter from the Governor of Maryland, of the 16th ultimo, accompanied with an act to prevent distilling grain into spirits, which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., January 13th, 1779.

The Council met. Present the same members as on yesterday, and also Messrs. Bassett, Hyatt and Conwell.

On motion,

Ordered, That Mr. Conwell deliver to the House of Assembly the bill to prevent and punish frauds and abuses in the Quarter-master's and Commissary's Departments, with the amendments proposed and agreed to by the Council, for their concurrence; and that he return to that House the petition from the owners and possessors of Fern Hook and Bosman's Creek Marsh, with the original act and the bill by way of supplement to the same act, agreed to by the Council.

Mr. Conwell reported the delivery of the above papers according to order.

On motion, by order,

The bill to appoint commissioners to hear and determine the claims of the officers of the Whig Battalion, &c., was read the second time and postponed for consideration until the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and took into consideration the foregoing bill and proposed and agreed to sundry amendments thereto.

Ordered, That the same be transcribed and sent therewith to the House of Assembly for their concurrence, by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., January 14th, 1779.

The Council met. Present the same members as on yesterday.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for the appointment of a committee to state an account of expenditures by this State for the Continent, &c., and also a resolution of that House for the appointment of committees for settling the Loan Office accounts, and the following notification, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ WEDNESDAY, P. M., January 13, 1779.

“ *Ordered*, That Mr. Waples wait on the Council and inform them that this House will meet the Council, at such time and place as they may appoint, in order to put in nomination persons to be balloted for as Delegates from this State to the Congress of the United States for the ensuing year, and also for a Chief Justice of the Court of Common Pleas and Orphans’ Court for the County of Kent, in the room of Thomas Rodney, Esq., who hath declined to accept his appointment thereto.

“ Extract from the minutes.

“ JAS. BOOTH, *Cl’k of Assembly*.”

On motion, by order, the foregoing resolutions, respecting the appointment of committees, were severally read the first time.

On motion, by order,

The resolution of the House of Assembly for the appointment of a Clothier-General was read the second time and rejected.

On motion, by order, the following verbal message from the Council, in answer to the verbal message or notification of the House of Assembly respecting the proceeding to put in nomination persons to be balloted for as Delegates to Congress, &c., of yesterday, was drawn up at the table and agreed to be sent to the House of Assembly, viz :

Gentlemen :

The Council received your verbal message of yesterday signifying your inclination of meeting the Council, at such time and place as they should appoint, in order to put in nomination persons to be balloted for as Delegates from this State to the Congress of the United States of America for the ensuing year, and also for Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, in the room of Thomas Rodney, Esq., who hath declined to accept of his appointment thereto, and are extremely willing to meet the honorable House of Assembly for the above purpose, and also to put in nomination a person to be balloted for as Clothier-General for this State, at four o'clock this afternoon in the Assembly Room, if agreeable to your honorable House.

Dover, January 14, 1779.

Ordered, That the same be sent to the House of Assembly, with the resolution for the appointment of a Clothier-General, by Mr. Bassett.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Bassett now reported the delivery of the papers committed to him according to order.

Mr. Cook, a member of Assembly, was admitted and delivered to the Chair the bill to prevent and punish frauds and abuses in the Quartermaster's and Commissary's Departments, &c., and the amendments proposed thereto by the Council acceded to by the House of Assembly, except as to their 7th, 8th and 10th amendments, together with a paper of amendments proposed by the House of Assembly to the said amendments of the Council, which, by order, were read the first time.

Mr. Derrickson, a member of Assembly, was admitted and delivered to the Chair the following verbal message from the House of Assembly to the Council, viz :

“ *Gentlemen :*

“ The House of Assembly are now ready to receive the Council, in the Assembly Room, to put in nomination persons to be balloted for as Delegates from this State to Congress and for Chief Justice of the Court of Common Pleas and Orphans’ Court for the County of Kent. Dover, January 14, 1779.”

And thereupon

Resolved, That a verbal message from the Council, in answer to the foregoing verbal message, be drawn up, which was accordingly done, and is in these words, viz :

Gentlemen :

The Council, previous to their attending you, agreeable to your verbal message just now delivered by Mr. Derrickson, beg leave to suggest to your honorable House that an additional proposal, in their message of this forenoon in answer to yours of yesterday, to wit : that of putting in nomination persons qualified for the office of Clothier-General for this State, appears to be rejected. The Council therefore are desirous to know, before they attend your honorable House, the reason inducing your House to reject said proposal.

Ordered, That the same be transcribed and sent to the House of Assembly by Mr. Clowes,

Who, being returned, reported the delivery according to order.

On motion, by order,

The bill to prevent the distilling of whiskey or other spirits from grain, &c., was read the second time and deferred for consideration.

Adjourned till to-morrow morning, 10 o’clock.

FRIDAY, A. M., January 15th, 1779.

The Council met. Present the same members as on yesterday and also Mr. Read.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the following verbal message from the House of Assembly to the Council, viz :

“*Gentlemen :*

“The House of Assembly are at a loss to know the reason which induced the Council to conclude they had rejected the proposition of your honorable House for putting in nomination, this afternoon, persons to be balloted for as Clothier General, no such thing being contained in the verbal message of the Assembly. As the Council gave no reason for rejecting the mode of appointing a Clothier-General adopted by the Assembly, this House apprehended the Council would not so suddenly request the reasons why this House disagreed to the aforesaid proposition of the Council. The Assembly did not reject the same proposition, but, for want of sufficient time for consideration of that business, had come to no determination thereon, which induced this House to take no notice of that part of the Council’s message. But this House, still anxious to forward the public business, are ready to receive the Council to put in nomination persons to be balloted for as Delegates in Congress, and as Chief Justice of the Court of Common Pleas and Orphans’ Court for the County of Kent.

“Dover, January 14, 1779.”

Mr. Read, in his place, made his excuse for non-attendance at an earlier day, which was admitted.

On motion,

Resolved, That a message from the Council, in answer to the foregoing message from the House of Assembly, be drawn up, which was accordingly done, read and agreed to, and follows in these words, viz :

Gentlemen :

Your House not taking any notice, in their verbal message of yesterday, delivered by Mr. Derrickson, of the proposition made by the Council in their preceding message, delivered by Mr. Bassett, to put in nomination a person to be balloted for as Clothier-General for this State, at the time proposed for nominating persons to be balloted for as Delegates to Congress and a Chief Justice of the Common Pleas and Orphans' Courts of Kent County, induced the Council to suppose their proposition rejected, otherwise they apprehend the House of Assembly would have gladly embraced the opportunity of doing that at one meeting of the two Houses which will require another meeting, and, of course, a delay of time perhaps unnecessarily.

The Council were induced to dissent to your resolve for the appointment of the Clothier-General, for that it is an office of trust, and may be of profit, or at least some salary must be allowed for the service to be performed by him, and as such he ought to be chosen in the manner that all other officers of the State, under like circumstances, heretofore have been, as appears by the joint resolutions of the two Houses on their respective minutes. However the Council are not so tenacious as to the time when this nomination of persons for a Clothier-General shall be, for if the House of Assembly wish to have it postponed, and the other nominations to be now made, the Council will meet them forthwith for the purpose.

Ordered, That the same be transcribed and sent to the House of Assembly by Mr. Baning.

Mr. Davis, a member of Assembly, was admitted and delivered the Chair a resolution of the House of Assembly empowering the Speakers of both Houses to draw for seven hundred and fifty pounds, and interest, in favor of Vincent Loockerman.

On motion, by order, the foregoing resolution was read the first time.

By special order the same was read the second time, concurred in, and is in these words, viz :

“IN THE HOUSE OF ASSEMBLY,
“FRIDAY, A. M., January 15th, 1779.

“Mr. Speaker laid before the House a certificate to Vincent

“Loockerman of the loan of seven hundred and fifty pounds to
“this State, given by the Honorable George Read, Esq., late
“Vice-President thereof, on the sixteenth day of December, one
“thousand seven hundred and seventy-seven, in pursuance of
“joint resolutions of the General Assembly, and the said Vincent
“Loockerman requesting the payment of the same, with the in-
“terest thereof,

“*Resolved*, That the Speakers of the Council and House of
“Assembly draw an order on the State Treasurer in favor of the
“said Vincent Loockerman for the said sum of seven hundred
“and fifty pounds, with the interest for the same, at the rate of
“six per cent. per annum, from the said sixteenth day of De-
“cember, one thousand seven hundred and seventy-seven.”

Ordered, That Mr. Baning return the same to the House of
Assembly, with the concurrence of the Council thereto.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Baning now reported the delivery of the several papers
committed to him according to order.

Mr. Bryan, a member of Assembly, was admitted and deliv-
ered the following message from the House of Assembly to the
Council, viz :

“*Gentlemen* :

“The reasons assigned by your honorable House for rejecting
“the appointment of a Clothier-General for this State, made by
“the Assembly, are satisfactory. As this House had no other
“object in view by that appointment than the public service,
“therefore readily agree to receive your House in the Assembly
“Room forthwith, to put in nomination persons to be balloted

“for as Delegates to Congress, a Chief Justice of the Common
“Pleas and Orphans’ Courts of Kent County, and a Clothier-
“General for this State.”

The Council, agreeable to the order of the day, proceeded to the Assembly Room, and there met the House of Assembly, to put in nomination persons to be balloted for as Delegates to Congress, a Chief Justice of the Common Pleas and Orphans’ Courts of Kent County, and a Clothier-General for this State.

On motion,

Ordered, That Mr. Patterson, Mr. Ridgely, and Mr. Kollock be a committee to wait on his Excellency, the President, and inform him that the General Assembly are now met in the Assembly Room to put in nomination persons to be balloted for as Chief Justice of the Common Pleas and Orphans’ Courts of Kent County, and to know whether his Excellency would wish to attend that nomination.

The committee, being returned, reported that they had waited on the President with the message committed to them, agreeable to order, and that he declined attending the nomination, but would be present at the balloting.

Then the General Assembly proceeded to put in nomination divers persons, whose names were taken down for the consideration of the members of both Houses.

On motion, agreed that the General Assembly now separate, and meet at three o’clock on Monday afternoon, in the Council Room, to ballot for Delegates to Congress, a Chief Justice of the Common Pleas and Orphans’ Courts of Kent County, and a Clothier-General for the State, out of the persons now put in nomination for the said offices. Then the Council withdrew.

Mr. Clowes applied for leave of absence till three o’clock on Monday afternoon next, which was granted.

Adjourned till to-morrow morning, 10 o’clock.

SATURDAY, January 16th, 1779.

The Council met. Present the same members as on yesterday, except Mr. Clowes.

Adjourned till Monday morning, 10 o'clock.

MONDAY, P. M., January 18th, 1779.

The Council met. Present the same members as on yesterday, and also Mr. Clowes.

On motion,

Ordered, That Mr. Clowes and Mr. Hyatt be a committee to wait on the House of Assembly and acquaint them that the Council are now sitting and are ready to receive them, in the Council Chamber, to ballot for Delegates to Congress, a Chief Justice of the Common Pleas and Orphans' Courts of Kent County, and a Clothier-General for the State.

The committee, being returned, reported that they had delivered the above message according to order, and that the House of Assembly said they would attend the Council immediately.

The Council and Assembly being met in the Council Room, to ballot for Delegates to Congress, a Chief Justice of the Common Pleas and Orphans' Courts of Kent County, and a Clothier-General for the State, according to the order of Friday last, proceeded to the ballot for Delegates to Congress, which being taken down, it appeared that John Dickinson, Nicholas Vandyke, and Thomas McKean, Esquires, had a majority of votes, and are declared duly elected Delegates from this State to Congress for the ensuing year.

On motion,

Ordered, That Mr. Clowes, Mr. Bryan, and Doctor Clayton

be a committee to wait on his Excellency, the President, and to inform him that the General Assembly are now met in the Council Room to ballot for a Chief Justice of the Common Pleas and Orphans' Courts of Kent County, and request his attendance, if he thinks proper.

The gentlemen reported the delivery of the above message according to order, when his Excellency was pleased, in answer, to say that he would wait on the General Assembly immediately.

The President attended, and proceeded with the General Assembly to ballot for a Chief Justice of the Common Pleas and Orphans' Courts of Kent County, and the box containing the ballots being examined, it appeared that John Clark, Esquire, was declared duly elected Chief Justice of the Common Pleas and Orphans' Courts of Kent County. Then the President withdrew.

The General Assembly then proceeded to ballot for a Clothier General for the State, and the ballot being taken down, it appeared that George Craghead, Esq'r, was declared duly elected Clothier-General for this State.

On motion,

Resolved, That the Speakers of the two Houses inform John Clark, Esquire, of his appointment to the office of Chief Justice of the Common Pleas and Orphans' Courts of Kent County, and request his answer forthwith whether he will accept of the said appointment.

On motion, agreed that the General Assembly now separate. Then the House of Assembly withdrew, and the Council adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., January 19th, 1779.

The Council met. Present the same members as on yesterday.

Mr. Speaker laid on the table a petition from sundry civil officers of this State, praying an increase of the fees annexed to their respective offices, which, by order, was read, and ordered to be referred to the House of Assembly for their consideration.

On motion, by order,

The Council took into consideration the amendments proposed by the House of Assembly to their amendments to the bill to prevent frauds and abuses in the Quartermaster's and Commissary's Departments, and acceded generally thereto.

On motion, by order,

The resolutions of the House of Assembly for the appointment of committees for settling the Loan Office accounts were read the second time and concurred in, and are as follows, viz :

“IN THE HOUSE OF ASSEMBLY,
“WEDNESDAY, P. M., January 13, 1779.

“WHEREAS the committees appointed by the late General Assembly to settle and adjust the accounts of the General Loan Offices for the Counties of New Castle and Kent, have not proceeded in that business ; therefore

“*Resolved*, That a committee of three persons in each of the said counties be appointed to settle and adjust the accounts of the said offices in the counties aforesaid respectively, who are hereby directed to settle and adjust the said accounts from the time of the settlement made by Messrs. McKinly, Read, Killen, Haslet, and Robinson, a committee of Assembly for that purpose, and make report thereof to the General Assembly of this State at their next meeting.

“The members chosen, on the part of this House, for New Castle County, are Messrs. Alexander Porter and Nicholas

“Vandyke ; for Kent County, Messrs. William Killen and John Pryor.

Also resolved, That Simon Kollock and Joseph Hall, Esquires, “be a committee for the County of Sussex to settle and adjust “the accounts of the General Loan Office for the said county for “the ensuing year.

“*Resolved*, That the committees respectively be directed to “report the sums of money in specie and paper which are in the “said offices.”

And thereupon the Council, on their part, have nominated the following persons to join the said committees of the House of Assembly, to wit : For New Castle County, John Thompson, Esquire ; for Kent County, Eleazar M. Comb, Gentleman ; and for Sussex County, John Clowes, Esquire.

The Council now took into consideration the bill to prevent the distilling of whiskey from any kind of grain, &c., and some amendments were proposed, agreed to, and ordered to be transcribed and sent to the House of Assembly for their consideration and concurrence, together with the said bill.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., January 20th, 1779.

The Council met. Present all the members.

On motion, by order,

The resolutions of the House of Assembly for the appointment of a committee to state an account of expenditures by this State for the Continent, &c., were read the second time, and an amendment was proposed by way of addition to the first resolution.

Ordered, That the same be transcribed and sent therewith to the House of Assembly for their concurrence by Mr. Patterson, who is also appointed to return to that House the bill to prevent the distilling of whiskey, &c., with amendments proposed thereto

by the Council; the petition of Isaac Carty and Edward Rees against the same bill; the letter from the Governor of Maryland, inclosing a bill against distilling whiskey, and a letter from a committee of Congress; and also the bill to prevent and punish frauds and abuses in the Quartermaster's and Commissary's Departments, with the amendments proposed by that House to the Council's amendments to the same bill, acceded to by the Council; and the petition for an increase of the wages of waggoners; and also the resolutions of the House of Assembly for the appointment of committees for settling the Loan Office accounts, with the concurrence and appointment of the Council thereto; and, lastly, the petition from sundry civil officers for an increase of their fees.

Mr. Patterson, being returned, reported the delivery of the several foregoing papers according to order.

On motion,

The Council took into consideration the resolutions of the House of Assembly to make provision for the officers of the Delaware Regiment, and after some time spent therein the same was postponed till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Doctor Hall, a member of Assembly, was admitted and delivered to the Chair the resolutions of that House for the appointment of a committee to state an account of expenditures by this State for the Continent, &c., with the amendments proposed thereto by the Council acceded to by the House of Assembly; whereupon the said resolutions, as amended and agreed to, were read, concurred in, and are as follows, viz :

“IN THE HOUSE OF ASSEMBLY,
“WEDNESDAY, P. M., January 13th, 1779.

“WHEREAS the committee of the General Assembly heretofore appointed for stating an account of expenditures by this State for and in behalf of the United States, &c., have not entered upon the duty assigned them ; therefore

“*Resolved*, That Messrs. Robert Bryan, John Cook, and William Peery be a committee to settle an account of the monies advanced by this State, or upon the credit thereof, for recruiting the Delaware Regiment in the three last campaigns, and of the expenditures of the same, and to state an account of expenditures by this State for and in behalf of the United States, and also to state an account of all monies, provisions, and other necessities which have been supplied by and on behalf of this State to prisoners taken by the United States, or this State, since the beginning of the war, and of which accounts have not been already transmitted to Congress, agreeable to a resolution of Congress of the 26th of February last ; and that the said committee be empowered to send for persons, papers and things, and make report of their proceedings to the General Assembly at their next sitting.

“*Resolved*, That the reasonable expenses to be incurred by the said committee in the execution of the business hereby assigned them be defrayed by this State, and that an adequate allowance be also made for their time and trouble in that service.”

Ordered, That Mr. Conwell return the same to the House of Assembly concurred in by the Council.

Who reported the delivery thereof according to order.

The Council now resumed the consideration of the resolutions of the House Assembly to make provision for the officers of the Delaware Regiment, and proposed and agreed to sundry amendments to the same, which were ordered to be transcribed and sent therewith to the House of Assembly for their concurrence by Mr. Polk, together with the petition from the officers of the Delaware Regiment.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., January 21st, 1779.

The Council met. Present the same members as on yesterday.

Mr. Polk now reported the delivery of the several papers given him in charge, according to the order of yesterday.

Mr. Craghead, a member of Assembly, was admitted and delivered to the Chair the resolutions to make provision for the officers of the Delaware Regiment, with the amendments proposed thereto by the Council acceded to by the House of Assembly and made therein; whereupon the said resolutions were read, concurred in, and ordered to be signed by the Speaker. They are as follows, viz :

“IN THE HOUSE OF ASSEMBLY,
“MONDAY, P. M., December 7, 1778.

“WHEREAS the unexpected and exorbitant prices which every
“article of clothing hath arisen to, render the pay of the officers
“of the Delaware Regiment in the service of the United States
“insufficient to support their rank ; therefore, for their further
“provision,

“*Resolved*, That the Clothier-General of this State forthwith
“provide and deliver to each field officer, captain, lieutenant,
“and ensign, the surgeon and surgeon’s mate, in the said regi-
“ment, one suit of clothes, to consist of a coat, waistcoat, and
“a pair of breeches, or, in lieu thereof, eighty pounds, at the
“election of such officer, in consideration of his past services.

“*Resolved*, That the said Clothier-General do purchase and
“provide for every of the said officers the following clothing, to
“wit: One coat, two waistcoats, two pairs of breeches, four shirts,
“four pair of stockings, and three pairs of shoes, for the ensuing
“year, at any Continental or State store, or elsewhere, to be
“disposed of to said officers, on application, they paying for
“said clothing, as near as can be computed, the prices the same
“would have cost at the time the said officers’ pay was stipulated;
“the balance on all such clothing to be charged to this State, and
“the General Assembly will provide for the payment thereof.

“Resolved, That the Speakers of the Council and House of Assembly do forthwith draw on the State Treasurer for the sum of two thousand five hundred pounds in favor of the Clothier-General, to enable him to comply with the first resolve.”

On motion, by order,

The certificates of Jonathan Robinson and Nicholas Way, of their loans to this State, and the resolution of the House of Assembly empowering the Speakers of the two Houses to draw on the State Treasurer for the monies due thereon, were severally read the second time and deferred for consideration till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and took into consideration the resolution empowering the Speakers of the two Houses to draw on the State Treasurer for the monies due on the certificates of Jonathan Robinson and Nicholas Way, and several amendments were proposed and agreed to, and ordered to be transcribed.

Ordered, That Mr. Conwell return to the House of Assembly the foregoing certificates and resolution, with the transcribed amendments, for their concurrence; and also the resolutions to make provision for the officers of the Delaware Regiment, concurred in by the Council.

Mr. Conwell, being returned, reported the delivery of the above papers according to order.

The committee to whom were referred the Articles of Confederation and Perpetual Union, &c., now delivered in their report at the table.

On motion, by order, the foregoing report was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., January 22d, 1779.

The Council met. Present the same members as on yesterday.

Mr. Davis, a member of Assembly, was admitted and delivered to the Chair the resolution empowering the Speakers of the two Houses to draw for the monies due to Jonathan Robinson on certificates, with the amendments proposed thereto by the Council generally disagreed to by the House of Assembly.

Whereupon the Council, taking into consideration their said amendments, receded therefrom and concurred in the resolution, which is in these words, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ THURSDAY, P. M., December 3, 1778.

“ On motion,

“ *Resolved*, That the sum of three hundred pounds, received by
“ the Convention of this State from Mr. Jonathan Robinson the
“ twenty-first day of September, one thousand seven hundred
“ and seventy-six, and the sum of one hundred pounds, received
“ from Mr. Nicholas Way the same day, the certificate whereof
“ is assigned to the said Robinson, together with the legal interest
“ of six per cent. per annum, be paid to the said Jonathan Rob-
“ inson, and that the Speakers of the Council and House of As-
“ sembly be empowered to draw an order on the State Treasurer
“ in favor of the said Jonathan Robinson for that purpose.”

Ordered, That Mr. Baning return to the House of Assembly the above-mentioned certificates and resolution, with the concurrence of the Council thereto.

Mr. Baning reported that he had returned the same to the House of Assembly according to order.

The report of the committee to whom were referred the Articles of Confederation and Perpetual Union, &c., was, by order, read the second time and postponed for consideration till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and took into consideration the preceding report of their committee, and after some time was spent therein the further consideration was deferred till to-morrow.

Mr. Stout, a member of Assembly, was admitted and delivered to the Chair a bill for suppressing vice and immorality, which, by order, was read the first time.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., January 23d, 1779.

The Council met. Present all the members.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The Council having resumed the consideration of the committee's report on the Articles of Confederation and Perpetual Union, &c., came to the following resolutions thereon :

Resolved, That this State think it necessary, for the peace and safety of the States to be included in the Union, that a moderate extent of limits should be assigned for such of those States as claim to the Mississippi or South Sea, and that the United States, in Congress assembled, should and ought to have the power of fixing their western limits.

Resolved also, That this State consider themselves justly entitled to a right, in common with the other members of the Union, to that extensive tract of country which lies to the westward of the frontiers of the United States, the property of which was not vested in or granted to individuals at the commencement of the present war ; that the same hath been or may hereafter be gained from the King of Great Britain or the native Indians by the blood and treasure of all, and ought therefore to be a common estate, to be granted out on terms beneficial to the United States.

Resolved also, That the courts of law established within this State are competent for the purpose of determining all controversies concerning the private right of soil claimed within the same, and that they now, and at all times hereafter, ought to have cognizance of all such controversies ; that the indeterminate provision, proposed in the 9th Article of the Confederation, for deciding upon controversies that may arise about some of those private rights of soil, tends to take away such cognizance, and is contrary to the Declaration of Rights of this State, and therefore ought to receive an alteration.

The Council then, taking into consideration the strong and earnest recommendations of Congress forthwith to accede to the present plan of Confederacy, and the probable disadvantages that may attend the further delaying a ratification thereof;

Resolved, That, notwithstanding the terms of the Articles of Confederation aforesaid are considered as in divers respects unequal and disadvantageous to this State, and the objections in the report of the committee of this House and the resolves made thereon are viewed as just and reasonable and of great moment to the welfare and happiness of the good people thereof, yet, under the full conviction of the present necessity of acceding to the Confederacy proposed, and in firm reliance that the candor and justice of the several States will in due time remove, as far as possible, the objectionable parts thereof, the Delegates appointed to represent this State in Congress, or any one or more of them, be authorized, empowered and directed, on behalf of this State, to subscribe and ratify the said Articles of Confederation and Perpetual Union between the several States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina,

and Georgia, and that the said articles, when so subscribed and ratified, shall become obligatory on this State.

And, on motion, leave was given to bring in a bill to empower the Delegates of this State to ratify the said articles. A bill for this purpose being laid on the table, was, by order, read the first time.

By special order, the same was read the second time and passed.

Ordered, That Mr. Baning wait on the House of Assembly with the copy of the Articles of Confederation and the report of the committee thereon, the preceding resolutions and bill founded thereon.

Mr. Speaker now informed the Council that he had received the answer of John Clark, Esquire, to the notification directed to him by the Speakers of the two Houses, in which he signified his willingness to accept of his appointment to the office of Chief Justice of the Common Pleas and Orphans' Courts of Kent County.

Adjourned till Monday morning, 10 o'clock.

MONDAY, January 25th, 1779.

The Council met. Present all the members.

Mr. Baning now reported the delivery of the several papers given him in charge, according to the order of Saturday.

Doctor Hall, a member of Assembly, was admitted and delivered to the Chair a bill for raising one hundred and seventy thousand dollars, in the Delaware State, for the service of the year one thousand seven hundred and seventy-nine, by a general tax.

The same member also delivered a supplementary bill to the act of pardon.

The same member also delivered a supplement to an act enti-

tled "An act to prohibit the exportation of provisions from this State beyond the seas for a limited time," and also a bill for the relief of wounded officers, soldiers, &c.

On motion, by order, the foregoing bills were severally read the first time.

Mr. Craghead, a member of Assembly, was admitted and presented to the Chair a message from the President to the General Assembly, inclosing a letter from his Excellency, General Washington, of the 19th inst.; another, of the same date, from Messrs. Gouverneur Morris and William Whipple, a committee of Congress, and another from Jeremiah Wadsworth, Commissary-General of Purchases, to the said committee, on the subject of engrossing.

On motion, by order, the said message and its inclosures were severally read, and the said message is as follows, viz :

"Gentlemen of the General Assembly :

"Saturday afternoon I received, by express, a letter from his
"Excellency, General Washington, requesting that I would give
"the Deputy Quarter authority to canton Pulaskie's Legion
"within this State, and as I would wish the General Assembly
"to take order in this matter, have directed the Secretary to lay
"the letter before you. I have also directed him to lay before
"your Honors a letter, of the 19th instant, from the committee
"of Congress, on the subject of engrossing, with a copy of a
"letter from the Commissary-General of Purchases to them on
"that head.

"CÆSAR RODNEY.

"Dover, January the 25th, 1779."

On motion

Resolved, That Messrs. Clowes, Read, and Bassett be a committee to prepare and bring in a bill for the quartering of troops within this State.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, January 26th, 1779.

The Council met. Present the same members as on yesterday.

The committee appointed to prepare and bring in a bill for the quartering of troops in this State, now delivered one at the table, which, by order, was read the first time.

On motion,

Resolved, That Mr. Clowes, Mr. Read, and Mr. Bassett be a committee to prepare and bring in a bill against engrossing and forestalling of flour, grain and forage.

Doctor Clayton, a member of Assembly, was admitted and delivered to the Chair a memorial from the members of the Privy Council, praying the aid of the Legislature to make provision for their expenses incurred during their attendance on the duties of their office, with a resolution of the House of Assembly empowering the Speakers of both Houses to draw for divers sums of money in favor of the members of the Privy Council and Secretary, and also the following verbal message, viz :

“Gentlemen :

“As the seat of John Clark, Esquire, the second Justice of the Court of Common Pleas and Orphans’ Court in the County of Kent, is become vacant by his appointment to and acceptance of the office of Chief Justice of those Courts, and it is necessary to fill that vacancy, this House therefore propose to your honorable House to meet the Council, at such time and place as you may appoint, for the purpose of putting into nomination proper persons to be balloted for as second Justice in said Courts. This House also inform the honorable the Council that they intend to adjourn on Saturday next, for this present sitting, to some future day.”

On motion, by order, the foregoing memorial and resolution founded thereon were severally read the first time.

On motion, by order,

The bill for the relief of wounded officers and soldiers, &c., was read the second time, and thereupon

Resolved, That a committee of two be appointed to take the said bill into consideration, and report thereon to-morrow morning.

The gentlemen chosen : Mr. Patterson and Mr. Polk.

On motion, by order,

The bill, by way of supplement to the act entitled "An act to prohibit the exportation of provisions from this State beyond the seas for a limited time," was read the second time and deferred for consideration.

On motion, by order,

The bill for raising one hundred and seventy thousand dollars for the year 1779, by general tax, was read the second time, and thereupon

Resolved, That a committee of three be appointed to take the said bill into consideration, and report their objections to the same.

The gentlemen chosen : Mr. Bassett, Mr. Read, and Mr. Conwell.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., January 27, 1779.

The Council met. Present all the members.

On motion, by order,

The bill for the quartering of troops within this State was read the second time and passed the Council.

Ordered, That Mr. Hyatt deliver the foregoing bill to the House of Assembly for their consideration and concurrence.

Mr. Hyatt reported the delivery according to order.

Mr. John Clayton, a member of Assembly, was admitted and delivered to the Chair a bill to increase the salaries and allowances to the Justices of the Supreme Court, which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and, some of the members attending on committees, adjourned till to-morrow morning, 10 o'clock

THURSDAY, A. M., January 28, 1779.

The Council met. Present all the members.

The committee to whom the bill for raising one hundred and seventy thousand dollars by a general tax was referred, now delivered their report at the table, which, by order, was read and ordered to lie over till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and took into consideration the foregoing bill and report, and after some time spent therein the further consideration thereof is postponed till to-morrow.

Doctor Clayton, a member of Assembly, was admitted and returned to the Chair the resolutions of Council empowering the the Delegates from this State in Congress to ratify the Articles of Confederation, together with the bill for the ratification of the

said articles, and the report of the committee thereon, severally concurred in by the House of Assembly.

The same member also returned to the Chair the bill for the quartering of troops within this State, with a paper of amendments proposed thereto by the House of Assembly.

The same member also delivered to the Chair the report of the Committee for Public Accounts, with a list of vouchers.

Ordered, That the bill for the ratification of the Articles of Confederation be engrossed.

The Council took into consideration the amendments proposed by the House of Assembly to the bill for the quartering of troops, &c., and proposed and agreed to some amendments to the said amendments of the House of Assembly, which were ordered to be transcribed.

Ordered, That Mr. Polk deliver the said bill, and the several papers of amendments, to the House of Assembly.

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., January 29, 1779.

The Council met. Present all the members.

Mr. Polk now reported the delivery of the several papers committed to his charge, according to the order of yesterday.

Doctor Hall, a member of Assembly, was admitted and delivered to the Chair the bill to prohibit, for a limited time, the distilling of whiskey and other spirits from wheat, &c.; also the bill to prevent and punish the frauds and abuses in the Quartermaster's and Commissary's Departments; and also the bill to appoint commissioners to hear and determine the claims of the officers and soldiers of the Whig Battalion, &c., respectively signed by the Speaker of the House of Assembly, together with their original draughts and amendments, in order to be compared and signed by the Speaker of the Council.

The same member also returned to the Chair the bill for the quartering of troops, &c., with the amendments proposed thereto by the House of Assembly and the amendments proposed by the Council to the said amendments, two of which the House of Assembly acceded to and rejected the two remaining amendments of the Council.

The Council now took into consideration the verbal message of the House of Assembly of the 26th instant, and thereupon the following answer thereto was drawn up and agreed to, viz :

Gentlemen :

The Council accede to your proposal of putting into nomination proper persons to be balloted for as second Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and will meet your honorable House, if agreeable, in the Assembly Room, at four o'clock this afternoon, for the purpose aforesaid.

Ordered, That Mr. Baning deliver the same to the House of Assembly.

Then the Council took into consideration such of their amendments to the amendments proposed by the House of Assembly to the bill for the quartering of troops, &c., as were rejected by the House of Assembly, and thereupon a message from the Council to the House of Assembly, stating the reasons of Council for adhering to their amendments so rejected, was drawn up at the table, read and agreed to, and is as follows, viz :

Gentlemen :

The Council have reconsidered the two last amendments proposed by the Council to the amendments proposed by the House of Assembly to the bill for the quartering of soldiers, returned as rejected by your House, and are of opinion that the third amendment is a necessary one, for that no person but a Justice can billet any soldier, &c., by the bill, therefore the expressions "or if the person so billeting them be a Justice," in the 6th and 7th line of your first amendment, are improper, as they imply a power of billeting in other than a Justice or Justices ; but, by adding the word [single], as in our amendment, those expressions will have their proper reference to the billeting authorized by the third

section of the bill, and for these reasons the Council are induced to adhere to their third amendment aforesaid.

The Council, by their fourth amendment, intended effectually to exclude Quartermasters and their deputies from exercising the power of quartering, which they were doubtful might not, in strict military speech, be considered to be included in the term military officers; but if the House of Assembly shall be of opinion, after knowing our reasons for the fourth amendment, that the same is unnecessary, and that their constituents may be well secured against the exertion of a dangerous power by those of the staff of the army, the Council will recede from the said fourth amendment.

Ordered, That Mr. Baning deliver the said message to the House of Assembly, together with the bill for the quartering of soldiers, &c., and its several papers of amendments.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Baning now reported the delivery of the several papers given him in charge, to the House of Assembly, according to order.

Mr. Waples, a member of Assembly, was admitted and returned to the Chair the bill for the quartering of troops, &c., and its amendments, with the following verbal message, viz :

“Gentlemen :

“This House having taken into consideration the reasons contained in your message for adhering to the amendments proposed by your honorable House to the amendments offered by the House of Assembly to the bill for quartering of soldiers, do not consider them satisfactory. The Assembly, therefore, propose, as the most expeditious manner of terminating the

“difference in opinion respecting the said amendments, the appointment of committees by both Houses to confer thereon, and do accordingly appoint Messrs. Ridgely, Hall, and Joshua Clayton a committee on the part of this House, who will forthwith meet a committee of your honorable House for that purpose, if the said proposition be concurred in by the Council.”

And thereupon

Resolved, That Messrs. Read and Conwell be a committee, on the part of the Council, to meet a committee of the House of Assembly to confer on the subject matter of the several amendments proposed by each House to the bill for the quartering of troops.

On motion, the Council resumed the consideration of the bill for raising 170,000 dollars, &c., and the committee's report thereon and sundry amendments were agreed to, and further amendments being proposed, the further consideration is postponed till to-morrow.

On motion, by order,

The bill for suppressing vice and immorality was read the second time, and will not pass, and, on motion, leave was given to bring in a bill, by way of supplement to several acts of Assembly, for the suppression of vice and immorality. A bill for this purpose being laid on the table was, by order, read the first time.

By special order the same was read the second time and deferred for consideration till to-morrow morning.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., January 30th, 1779.

The Council met. Present all the members.

The committee to whom was referred the bill for the relief of wounded officers and soldiers, &c., now brought in their report.

Mr. Cook, a member of Assembly, was admitted and delivered to the Chair a bond (or obligation) of John Jones, Esq., to the Delaware State in the sum of one thousand pounds, with a resolution of the House of Assembly empowering the President to receive the said sum of one thousand pounds from Mr. Jones.

Ordered, That Mr. Polk wait on the House of Assembly and inform them that the Council have acceded to their proposal for the appointment of a committee of Council to meet a committee of the House of Assembly to confer on the subject matter of the several amendments proposed by each House to the bill for the quartering of soldiers.

Mr. Polk, being returned, reported that he had waited on the House of Assembly with the said message, according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the report of the committee to whom was referred the bill for the relief of wounded officers and soldiers, &c., was read the first time and recommitted to the same committee, with the addition of Mr. Read.

The committee appointed to confer with a committee of the House of Assembly on the subject matter of the amendments to

the bill for the quartering of soldiers, now delivered their report at the table, which, by order, was read and agreed to.

Ordered, That the said bill be engrossed.

On motion, the Council now resumed the consideration of the bill for raising one hundred and seventy thousand dollars, &c., and further amendments were proposed and agreed to and ordered to be transcribed.

Ordered, That the said bill and transcribed amendments be sent to the House of Assembly, for their consideration and concurrence, by Mr. Clowes.

Who, being returned, reported the delivery thereof according to order.

Mr. Craghead, a member of Assembly, was admitted and delivered to the Chair Colonel Pope's account against the Delaware Regiment for clothing, and its vouchers, with a resolution of the House of Assembly for the payment of cloth seized and taken by Colonel Pope for the use of the Delaware Regiment.

On motion, by order,

The bond of Colonel John Jones to the Delaware State in the sum of one thousand pounds, and the resolution of the House of Assembly empowering the President to receive the said sum of one thousand pounds from Mr. Jones, were read the first time.

By special order the said resolution was read the second time, and an amendment was proposed and agreed to.

Ordered, That Mr. Conwell wait on the House of Assembly with the said bond and resolution and transcribed amendments.

Adjourned till to-morrow morning, 10 o'clock.

SUNDAY, January 31st, 1779.

The Council met. Present all the members, except Mr. Bassett.

On motion, by order,

The report of the Committee for Public Accounts was read and deferred for consideration until to-morrow.

Adjourned till to-morrow morning, 10 o'clock.

MONDAY, A. M., February 1st, 1779.

The Council met. Present all the members.

The Council now took into consideration the report of the Committee for Public Accounts, and having partially proceeded therein, the same was further postponed until to-morrow.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Conwell now reported the delivery of the several papers committed to him according to the order of Saturday last.

The bill for the ratification of the Articles of the Confederation by the Delaware State, and the bill for the quartering of soldiers, being engrossed, were read and compared and ordered to be signed by the Speaker of the Council ; which was done accordingly.

On motion, by order,

The engrossed bill to prohibit, for a limited time, the distilling of whiskey from wheat, rye, or any other sort of grain, or from any meal or flour ; the bill to prevent and punish the frauds and abuses in the Quartermaster's and Commissary's Departments, &c., and the bill to appoint commissioners to hear and determine the claims of the officers and soldiers of the Whig Battalion, stationed at Newark and Dover, being respectively signed by the Speaker of the House of Assembly, were read, compared and ordered to be signed by the Speaker of the Council ; which was done accordingly.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the following laws, passed at this session, to wit :

1. The act to prohibit, for a limited time, the distilling of whiskey from wheat, rye, or any other sort of grain, or from any meal or flour ;
2. The act to prevent and punish the frauds and abuses in the Quartermaster's and Commissary's Departments, and for ascertaining the pay of impressed teams and their drivers ;
3. The act to appoint commissioners to hear and determine the claims of the officers and soldiers of the Whig Battalion, stationed at Newark and Dover, in this State ;
4. The act for the ratification of the Articles of Confederation by the Delaware State ;
5. The act for the quartering of soldiers.

Ordered, That Mr. Polk deliver the said bills to the House of Assembly, respectively signed by the Speaker of the Council, together with the resolution for affixing the Great Seal to the same, for their concurrence.

Mr. Polk, being returned, reported the delivery thereof according to order.

The Council resumed the consideration of the bill, by way of supplement to the several acts of Assembly for the suppression of vice and immorality, and the same passed the Council.

Ordered, That Mr. Hyatt deliver the same to the House of Assembly for their consideration and concurrence.

Who reported the delivery thereof according to order.

On motion, by order,

The bill to increase the salaries and allowances to the Justices of the Supreme Court was read a second time and deferred for consideration till to-morrow morning.

On motion, by order,

The bill, by way of supplement to the act of pardon, was read the second time.

Mr. Craghead, a member of Assembly, was admitted and delivered to the Chair a message from the President to the General Assembly, inclosing a letter from the President of Congress of the 22d ultimo, and several acts of Congress on the subject of Finance, of October 8th and November 19th, 1778, and January 1, 2, 5, 13 and 14, 1779.

The same member also returned to the Chair the bond of John Jones, Esquire, and the resolution of the House of Assembly founded thereon, with the amendments proposed thereto by the Council agreed to by the Assembly, and a resolution of that House, with the said amendment inserted therein, directing the President to receive the monies due on the said bond.

The same member also returned the resolution of the Council for affixing the Great Seal to the laws therein mentioned, concurred in by the House of Assembly.

The same member also delivered to the Chair the supplementary act to the act for keeping in repair the banks of Fern Hook and Bosman's Creek Marshes, &c., signed by the Speaker of the Assembly, with a resolution for affixing the Great Seal to the said bill.

The same member also delivered a supplementary bill to the act for keeping in good repair the bridge and causey over the Broadkiln, in Sussex County.

On motion, by order,

The supplementary act to the act for keeping in repair the banks, &c., of Fern Hook and Bosman's Creek Marshes, was read, compared and signed by the Speaker.

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal of this State to the foregoing bill, was read and concurred in by the Council,

On motion, by order,

The supplementary act to the act for keeping in good repair the bridge and causeway over the Broadkiln, in Sussex County, was read the first time.

The Council taking into consideration the memorial of George Evans and George Latimer, Esquires, two of the members of the Privy Council of this State, requesting leave to resign their seats at that board, and it appearing by the minutes of this House that Thomas McDonough, Esq'r, and the said George Latimer were first elected by the Council, Mr. Latimer's resignation is accepted. The Council then proceeded to supply Mr. Latimer's place in the Privy Council, by ballot, when the box containing the ballots being examined by the Speaker, Eleazer McComb, of Kent County, Gentleman, having eight ballots of the nine put into the box, is declared elected a Privy Councillor.

Mr. Conwell applied for leave of absence, which is granted.

On motion of Mr. Bassett for a leave of absence for a few days, the same is granted.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., February 2d, 1779.

The Council met. Present all the members, except Messrs. Conwell and Bassett.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly directing Samuel Patterson, Esquire, State Treasurer, to pay to the Continental Congress this State's quota of the Continental tax for the year 1778, amounting to sixty thousand dollars, and the following verbal message, viz :

"Gentlemen :

"The House of Assembly have resolved to adjourn this day to some future day."

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and resumed the consideration of the committee's report on the Public Accounts, and proposed and agreed to sundry amendments.

The committee to whom were recommitted the bill for the relief of wounded officers, soldiers, &c., now reported, as their opinion, that the same be rejected and a new one framed instead thereof. A bill for this purpose being laid on the table, was, by order, read the first time.

Mr. Kollock, a member of Assembly, was admitted and delivered at the Chair the bill for raising one hundred and ninety-eight thousand dollars, for the service of the year 1779, by a general tax, signed by the Speaker of the House of Assembly, together with the original bill, the committee's report thereon, and the

amendments proposed by the Council thereto, in order to be compared and signed by the Speaker of the Council, with a resolution for affixing the Great Seal thereto.

Ordered, That Mr. Polk return to the House of Assembly the report of the Committee on the Public Accounts, and the paper of amendments proposed thereto by the Council for their concurrence, with the public accounts and vouchers.

Mr. Polk, being returned, reported that he had waited on the House of Assembly with the above papers, according to order.

The Council took into consideration the verbal message from the House of Assembly, delivered in the forenoon, and thereupon

Resolved, That a message, in answer to the same, be drawn up at the table, which was read and agreed to, and is as follows, viz :

Gentlemen :

The Council are of opinion that some of the business now before them, and which they deem necessary on the part of your and our constituents, cannot be completed in the short time your honorable House have limited for their sitting by their verbal message just delivered. The Council beg leave to remind you that no instructions for or certificate of the appointment of the Delegates from this State to Congress have been as yet sent to us ; that nothing has been done on the resolutions of Congress, delivered to us through your House late last evening, and if time is not given for these businesses they will be left undone. We have thought it our duty thus to shew our opinion of the consequences that must ensue from the adjournment of your House this evening, and submit the same to your consideration.

Signed by order of the Council.

Dover, February 2d, 1779.

Ordered, That Mr. Clowes deliver the said message to the House of Assembly.

Mr. Clowes reported the delivery according to order.

On motion, by order,

The resolution of the House of Assembly directing Samuel

Patterson, Esq., State Treasurer, to pay this State's quota of the Continental tax for the year 1778 to the Continental Congress, was read the first time.

By special order the same was read the second time and disagreed to ; and thereupon, on motion,

Resolved, That the President or Commander-in-Chief of this State be authorized and appointed to draw orders on Samuel Patterson, Esq., State Treasurer, as well for the sixty thousand dollars raised in this State for the proportion demanded by Congress for the year one thousand seven hundred and seventy-eight, as for the one hundred and fifty thousand dollars to be raised in the State for its proportion demanded by Congress for the year seventeen hundred and seventy-nine, when the same, or any fourth part thereof, shall come to the hands of the State Treasurer, and direct the payment of the said sums respectively into the Treasury of the United States, and there placed to the credit of this State.

Ordered, That Mr. Polk deliver the same to the House of Assembly for their concurrence, together with the resolution of the House of Assembly disagreed to by the Council.

On motion, by order,

The resolution directing the President to receive the monies due on the bond of John Jones, Esq., et al., was read, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ MONDAY, P. M., February 1, 1779.

“ Mr. Speaker laid before the House an obligation, dated the
“ 1st May, 1777, for one thousand pounds from John Jones, John
“ Dagworthy, and Levin Derrickson, of the County of Sussex,
“ Esquires, to this State, the said sum being a loan from the
“ State to the said John Jones, in pursuance of divers resolutions
“ of the General Assembly in February, 1777, for the encourage-
“ ment and assistance of him in erecting salt works in this State,
“ with a special condition, agreeable to the purport of the said
“ resolutions; and the House taking the same into consideration,
“ and it appearing that no supply of salt for the use of the State,
“ made and manufactured therein, hath been obtained, and that

“more than one year hath elapsed since the date of the bond
“aforesaid,

“*Resolved*, That it be recommended to the President or Commander-in-Chief forthwith to take necessary and effectual measures to obtain the monies payable by the said obligation on “the non-performance of the condition thereof, and on the receipt of the same to apply them to the payment of the allowances heretofore made by the General Assembly to the Militia “of Sussex County.”

Ordered, That Mr. Polk return the foregoing resolution to the House of Assembly, concurred in by the Council, together with Mr. Jones’ bond and the original resolution.

On motion, by order,

The memorial from the members of the Privy Council, and the resolution of the House of Assembly founded thereon, were read the second time, and an amendment was proposed and agreed to.

Ordered, That the same be transcribed and sent, with the said resolution, to the House of Assembly for their concurrence, by Mr. Polk.

Mr. Derrickson, a member of Assembly, was admitted and presented to the Chair a message from the House of Assembly to the Council, which, by order, was read, and follows in these words, viz :

“*Gentlemen* :

“The House of Assembly have taken your message, just now “delivered, into consideration. The desire they have to complete the public business which at this time appears immediately necessary to be concluded, has induced them to postpone “their intended adjournment until to-morrow evening, but cannot agree to sit longer ; and therefore desire that all possible “dispatch may be given to the business most urgent.”

On motion, by order,

The bill for making provision for the relief of wounded officers and soldiers, &c., was read the second time, and passed the Council.

Ordered, That Mr. Polk deliver the same to the House of Assembly for their concurrence, and return the bill proposed by that House rejected by the Council.

On motion, by order,

The supplementary bill to the act for keeping in good repair the bridge and causey over the Broadkilm, in Sussex County, was read the second time and deferred for consideration till to-morrow morning.

Adjourned till eight o'clock to-morrow morning.

WEDNESDAY, A. M., February 3d, 1779.

The Council met. Present the same members as on yesterday.

Mr. Polk now reported the delivery of the several papers given in charge to him, agreeable to the order of yesterday.

On motion, by order,

The President's message to the General Assembly, of the first instant, and its inclosures, were severally read, and the said message is as follows, viz :

"Gentlemen of the General Assembly :

"I have just received, by express, from his Excellency, the President of Congress, a letter of the 22d ultimo, inclosed with divers acts of that honorable body on the subject of Finance, which I have ordered the Secretary to lay before your Honors for your perusal.

"CÆSAR RODNEY.

"Dover, February 1st, 1779."

On motion, by order,

The bill to increase the salaries and allowances to the Justices of the Supreme Court was read the third time and will pass.

Ordered, That Mr. Baning return the same to the House of Assembly, agreed to by the Council.

The Council now resumed the consideration of the supplementary bill to the act for keeping in good repair the bridge and causey over the Broadkiln, in Sussex County, and some amendments, by way of addition to the same, were proposed, agreed to, and ordered to be transcribed and sent therewith to the House of Assembly, for their concurrence, by Mr. Patterson.

Mr. Baning now reported the delivery of the bill to increase the salaries and allowances to the Justices of the Supreme Court, according to order.

On motion,

Ordered, That the bill for raising one hundred and ninety-eight thousand dollars, for the service of the year one thousand seven hundred and seventy-nine, by a general tax, and the bill, by way of supplement to the act entitled "An act to enable the owners and possessors of the meadow, marsh and cripple on the south side of Christiana Creek, called Fern Hook Marsh. and of the marsh and meadow on the south side of the same creek, called Bosman's Creek Marsh, in the County of New Castle, to keep the banks and sluices in repair, and to raise a fund to defray the expenses thereof," being severally read and compared, be signed by the Speaker of the Council and returned, by Mr. Patterson, to the House of Assembly, together with the resolution of that House for affixing the Great Seal to the said bills, concurred in by Council.

Mr. Craghead, a member of Assembly, was admitted and delivered to the Chair the memorial from the members of the Privy Council and the resolution founded thereon, with the amendments proposed thereto by the Council disagreed to by the House of Assembly.

The same member also returned to the Chair the resolution of Council empowering the President to draw orders on the State Treasurer for the payment of the sixty thousand dollars and one hundred and fifty thousand dollars, raised and to be raised for the years one thousand seven hundred and seventy-eight and one thousand seven hundred and seventy-nine, into the Continental Treasury, with an amendment proposed thereto by the House of

Assembly, and the resolution of that House disagreed to by the Council.

The same member also delivered to the Chair the Public Accounts and vouchers, the report of the committee thereon, and the Council's amendments thereto, in part agreed to by the House of Assembly.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Patterson now reported the delivery of the several papers committed to him according to order.

The Council took into consideration the report of the Committee for Public Accounts and such of their amendments thereto as were disagreed to by the House of Assembly, and, on motion,

Resolved, That the Council appoint a committee to confer with a committee of the House of Assembly on the subject matter of the said amendments, and Messrs. Patterson and Clowes are named on the part of this House.

The Council took into consideration their amendment proposed to the resolution of the House of Assembly empowering the Speakers of the two Houses to draw for divers sums of money in favor of the members of the Privy Council, &c., returned as rejected by the House of Assembly, and adhered to the same, and, on motion,

Resolved, That the Council appoint Messrs. Patterson and Clowes a committee to confer with a committee of the House of Assembly on the subject matter of the said amendments, disagreed to by the House of Assembly and adhered to by the Council, and thereupon the following message was drawn up at the table, and read and agreed to, viz :

Gentlemen :

The Council having taken into their consideration those parts of the report of the General Committee of Accounts to which they had proposed certain amendments, and since disagreed to by your honorable House, to wit : the allowance of sixty-one pounds five shillings to John Casson, for rations, and the allowance of forty shillings per day, instead of thirty shillings, to John Bullen, as Commissary of the Whig Battalion of Kent County, do still adhere to their proposed amendments in these two cases, and unless some reasons, not yet made known to them, shall be offered to induce a change of opinion, must continue to do so.

The Council have also reconsidered their amendment proposed to your resolution of the 26th ultimo, empowering the Speakers of the two Houses to draw for divers sums of money in favor of the members of the Privy Council, &c., and do also adhere to the same ; but, being willing to inform and be informed of every thing relative to the subjects of these amendments, do propose a conference by committees, to be appointed from each House, and, in confidence of your approbation of this mode, have named Messrs. Patterson and Clowes on the part of this House, to meet such gentlemen as may be appointed by you forthwith.

Signed by order of the Council.

Dover, February 3, 1779.

Ordered, That Mr. Polk deliver the same to the House of Assembly.

Mr. Polk reported the delivery according to order.

The Council took into their consideration their resolution empowering the President to draw for the sixty thousand dollars and one hundred and fifty thousand dollars, raised and to be raised in this State in the years seventeen hundred and seventy-eight and seventeen hundred and seventy-nine, and to be paid into the Continental Treasury, and the amendments proposed thereto by the House of Assembly, to insert the words [Speakers of the Council and House of Assembly be directed], instead of the words [President or Commander-in-Chief of this State be authorized and appointed], and the amendment being agreed to and made, the resolution was transcribed and sent to the House of Assembly, by Mr. Clowes, for concurrence.

Mr. Cook, a member of Assembly, was admitted and delivered to the Chair the bill entitled "A supplement to an act entitled 'An act for keeping in good repair the causey and bridge over the Broadkiln Creek, in Sussex County, and for regulating the toll for passing the same,'" and also the bill to increase the salaries and allowances of the Justices of the Supreme Court, severally engrossed and signed by the Speaker of the House of Assembly, together with a resolution for affixing the Great Seal to the said bills.

On motion, by order,

The foregoing bills were severally read, compared, and ordered to be signed by the Speaker of the Council ; which was done accordingly.

On motion, by order,

The resolution for affixing the Great Seal to the said bills was read and concurred in.

Ordered, That Mr. Clowes return to the House of Assembly the foregoing bills, respectively signed by the Speaker of the Council, and also the resolution for affixing the Great Seal thereto, concurred in by the Council. .

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a resolution of that House requesting the President to transmit an exemplified copy of the act empowering the Delegates in Congress to subscribe the Articles of Confederation.

The same member also delivered to the Chair a resolution of the House of Assembly in favor of the Clothier-General, for the sum of two thousand five hundred pounds, to enable him to purchase a quantity of linen for the Delaware Regiment, with a resolution of that House obliging him to give security for the faithful discharge of his duty in office, and to be accountable for the public monies which come to his hands.

The same member also delivered to the Chair a resolution of the House of Assembly directing the Speakers of the two Houses to transmit to the commissioners under the act for raising one hundred and ninety-eight thousand dollars notifications of their appointment, and the following message, viz :

“Gentlemen :

“The House of Assembly have taken into consideration your message, just now delivered, respecting the appointment of conferees on the amendments proposed to the report of the Committee of Accounts, &c., and have nominated on their part Messrs. Joshua Clayton, West, and Kollock, for that purpose. This House also inform the Council that they intend shortly to adjourn, and beg the Council to give what dispatch they can to the most urgent business before them.”

On motion, by order,

The preceding resolutions, delivered with the above message, were severally read and concurred in, and are as follows, viz :

“IN THE HOUSE OF ASSEMBLY,
“WEDNESDAY, P. M., February 3, 1779.

“*Resolved*, That the President or Commander-in-Chief be and he is hereby empowered and requested to transmit to the Delegates of this State in Congress an exemplified copy, under the Great Seal, of the act of Assembly entitled “An act to authorize and empower the Delegates of the Delaware State to subscribe and ratify the Articles of Confederation and Perpetual Union between the several States.”

“IN THE HOUSE OF ASSEMBLY,
“WEDNESDAY, P. M., February 3, 1779.

“WHEREAS it is proper that every person who holds any post or place of profit within this State should give security for the faithful performance of the duties thereof, and to account for the public monies which may by virtue thereof come into his hands ; therefore

“*Resolved*, That George Craghead, Esq., Clothier-General of this State, be required to give bond, in the name of the Delaware State, with one or more sufficient sureties, in the sum of fifteen thousand pounds, lawful money of this State, on or before the first day of April next, conditioned for the faithful performance of the duties of the said office, and to render a just and true account to the General Assembly of all the monies that may come into his hands by virtue of said office.

Also resolved, That Samuel Patterson, Esquire, be and he is hereby empowered and requested to take the said bond and lay the same before the General Assembly at their next meeting.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly.*”

“IN THE HOUSE OF ASSEMBLY,

“WEDNESDAY, P. M., February 3, 1779.

“WHEREAS it is necessary to provide linen for the Delaware Regiment for the present year,

Resolved, That the Speakers of the Council and House of Assembly do forthwith draw an order on the State Treasurer in favor of George Craghead, Esq., Clothier-General for this State, for the sum of two thousand five hundred pounds, to enable him to purchase a quantity of linen for the purpose aforesaid, and the said Clothier-General to be accountable for the said sum to the General Assembly.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly.*”

“IN THE HOUSE OF ASSEMBLY,

“WEDNESDAY, P. M., February 3, 1779.

Resolved, That the Speakers of the Council and House of Assembly transmit to William McClay, of New Castle County, merchant; William Manlove, of Kent County, merchant, and Colonel Caleb Cirwithin, of Sussex County, a notice of their appointment in the act for raising one hundred and ninety-eight thousand dollars, for the purpose of ascertaining the value of all real property within this State.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly.*”

Ordered, That the preceding resolutions, with the concurrence of the Council thereto respectively, be returned, by Mr. Clowes, to the House of Assembly.

Resolved, That the resolutions of the General Assembly on the Articles of Confederation and Perpetual Union between the

States of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, passed previous to the act of ratification, be transcribed and certified copies of the same sent to the respective Delegates from this State in Congress forthwith.

Ordered, That the same be sent to the House of Assembly, for their concurrence, by Mr. Clowes.

Mr. Clowes, being returned, reported the delivery of the several papers committed to him, according to order.

On motion, by order,

The resolution for the payment of cloth, taken and seized by Colonel Charles Pope for the use of the Delaware Regiment, was read and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“SATURDAY, P. M., January 20th, 1779.

“The Committee of Accounts, to whom were referred the accounts of divers quantities of cloth taken from several fulling mills within this State by Lieutenant Colonel Charles Pope, of the Delaware Regiment, for the clothing of the said regiment, now reported a state thereof, amounting to eight hundred and forty-five pounds sixteen shillings and four pence half penny, and the same being taken into consideration,

“*Resolved*, That the Clothier-General for this State be and he is hereby authorized and required to pay into the hands of the owners or managers of the fulling mills respectively from whom the said Charles Pope hath taken cloth for the clothing of the said regiment such sum or sums of money as may be due for the same, upon their producing accounts therefor duly authenticated ; and that the Speakers of both Houses be and they are hereby empowered and directed to draw an order on the State Treasurer for the sum of eight hundred and fifty pounds in favor of the said Clothier-General, to enable him to carry into execution this resolution.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly*.”

Ordered, That Mr. Polk return the same to the House of Assembly concurred in by the Council.

Mr. Polk reported the delivery thereof according to order.

The committee of conferees on the subject matter of the amendments proposed to the report of the Committee of Public Accounts, now delivered their report at the table, which, by order, was read and agreed to.

Mr. Lockwood, a member of Assembly, was admitted and returned to the Chair the resolution of Council for furnishing the Delegates in Congress with certified copies of the resolutions passed previous to the act of ratification, concurred in by the House of Assembly.

The same member also delivered to the Chair a certificate of appointment of Delegates from this State to Congress.

Mr. Craghead, a member of Assembly, was admitted and returned to the Chair the resolution of the Council empowering the Speakers of the two Houses to draw orders for the payment of divers sums into the Continental Treasury, concurred in by the House of Assembly.

The same member also delivered to the Chair the resolution empowering the Speakers of the two Houses to draw for divers sums of money in favor of the members of the Privy Council, with the amendments proposed thereto by the Council acceded to by the House of Assembly and made therein; whereupon the the said resolution was concurred in, and is as follows, viz:

“IN THE HOUSE OF ASSEMBLY,
“TUESDAY, P. M., January 26th, 1779.

“The House of Assembly having resumed the consideration
“of that part of the report of the committee to whom the remon-
“strance of the Chief Justice of this State and the memorial of
“the Privy Council were referred, which relates to an allowance
“to each of the members of the said Council,

“*Resolved*, That the Speakers of the Council and House of
“Assembly be empowered and directed to draw on the Trustees
“of the Loan Offices of this State, or any of them, for the sum
“of one hundred pounds in favor of each of the members of the

“Privy Council of this State, for his expenses incurred in the discharge of the duties of his office previous to the passing of the act of the General Assembly entitled ‘An act for regulating and establishing the fees of divers civil officers of this State, and other purposes therein mentioned,’ on the 26th day of June last ; and that the Speakers of both Houses be also empowered and directed to draw, in like manner, for the sum of one hundred pounds in favor of James Booth, Secretary of this State, for his services and expenses incurred by his attendance on the duties of his said office during the time aforesaid.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly.*”

On motion, by order,

The certificate of the appointment of Delegates to Congress was read, and an amendment was proposed, agreed to, and ordered to be transcribed.

Ordered, That Mr. Patterson wait on the House of Assembly with the said certificate and transcribed amendment, for their concurrence, and return the resolution empowering the Speakers of the two Houses to draw for divers sums of money in favor of the members of the Privy Council, concurred in by the Council.

Mr. Patterson, being returned, reported the delivery of the above papers according to order.

Ordered, That Mr. Hyatt return to the House of Assembly the two accounts of Cæsar Rodney, Esq., with their vouchers, amounting to five thousand two hundred and sixty-six pounds nineteen shillings and two pence, and inform them that the Council have examined and allowed the same, and that he deliver the following verbal message, viz :

Gentlemen :

The Council beg leave to remind you that you have not informed them of your determination upon the two first matters reported upon by the committee of conferees relative to the allowance for rations to Captain Casson and his officers, and the allowance to John Bullen for his service as Commissary to the Whig Battalion, and until this is known these accounts cannot be closed.

Mr. Hyatt reported the delivery of the above papers according to order.

The Council now took into consideration the supplement to the embargo act, sent from the House of Assembly, and agreed that the following verbal message should be sent to that House, viz :

Gentlemen :

The Council having under their consideration the supplement to the embargo act, sent from your House, beg to be informed how it hath appeared to your honorable House that there is "just cause to fear that unless a prohibition of the exportation of provisions from this State be extended to the States of Maryland and Virginia many of the inhabitants of this State will suffer." As this House have as yet a different sentiment of the quantity of provisions to be spared from the State, but lest the fears above expressed may prove real and great distress ensue to our constituents, we think it our duty, though thus late in the session, to proceed on this bill if from your state of the fact it shall in any wise appear dangerous to omit it, and at the same time we beg to know why the States of Maryland and Virginia only are excluded, and the States of Pennsylvania and New Jersey left open, as it hath and will probably happen that the exportation to Pennsylvania alone will exceed that of all the rest.

Ordered, That Mr. Hyatt deliver the same to the House of Assembly.

Mr. Hyatt, being returned, reported the delivery according to order.

Mr. Derrickson, a member of Assembly, was admitted and delivered to the Chair the public accounts and vouchers, the report of the committee thereon, and the Council's amendments thereto, with the report of the joint committee of conference, agreed to by the House of Assembly.

The same member also delivered a resolution of the House of Assembly empowering the Speakers of the two Houses to draw for monies agreed by the General Assembly to be due to Capt. Nathaniel Mitchell and a certain William Arnold, of Sussex County ; and also the certificate of the appointment of Delegates

to Congress, with the amendment proposed thereto by the Council acceded to by the House of Assembly.

On motion, by order,

The foregoing report of the joint committee of conference was read, concurred in, and is as follows, viz :

“The joint committee of conference report that they have agreed to allow Captain Casson and officers the sum of sixty-one pounds five shillings, for their rations.

“They further report that, on examining John Bullen’s account, they are of opinion he should be allowed the sum of one hundred and eighty pounds for his services as Commissary to the Whig Battalion, and that the balance due from him to the State is fifty-three pounds, on that service.

“They further report that the amendment proposed by the Council to the resolution of the House of Assembly respecting the Privy Council should be agreed to.”

On motion, by order,

The foregoing resolution empowering the Speakers of the two Houses to draw in favor of Captain Mitchell and William Arnold was read, concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,
“WEDNESDAY, P. M., February 3, 1779.

“On motion,

“*Resolved*, That the Speakers of the Council and Assembly be empowered and directed to draw upon the State Treasurer for the sum of one hundred and seventy-nine pounds six shillings and two pence half-penny, agreed by the General Assembly, on the twenty-second day of February, one thousand seven hundred and seventy-seven, to be due to Captain Nathaniel Mitchell, and also for the sum of one hundred and twelve pounds and three pence, agreed by the General Assembly, on the same day, to be due to a certain William Arnold, of Sussex County.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

On motion, by order, the certificate of the appointment of Delegates was read, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,

“ WEDNESDAY, P. M., February 3, 1779.

“ WHEREAS the Honorable John Dickinson, Nicholas Vandyke, and Thomas McKean, Esquires, have been chosen, by joint ballot of both Houses in the General Assembly, to represent the Delaware State in the Congress of the United States of America this present year,

“ *Resolved*, That they; or any of them, are hereby fully authorized and empowered, for and in behalf of this State, to concert, agree to, and execute any measure which they, or any two of them, together with a majority of the said Congress, shall judge necessary for the defence, security, interest and welfare of this State in particular, and the United States in general; and generally to exercise, in concert with other of the United States in Congress assembled, the respective powers prescribed in the Articles of Confederation and Perpetual Union of the said States.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Ordered, That Mr. Clowes return the foregoing report, resolution and certificate, with the concurrence of the Council thereto respectively, and the public accounts and vouchers, to the House of Assembly.

Mr. Clowes, being returned, reported the delivery of the above according to order.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, February 4, 1779.

The Council met. Present all the members, except Messrs. Conwell, Bassett, and Read.

Resolved, That the Speaker and Mr. Bassett revise and correct the minutes of this House and have the same printed.*

WHEREAS the General Assembly of Delaware, by their joint resolution of the 3d February instant, empowered and directed the Speakers of the Council and House of Assembly to draw their orders on the State Treasurer as well for the sixty thousand dollars raised in this State for the proportion demanded by Congress for the year one thousand seven hundred and seventy-eight as for the one hundred and fifty thousand dollars to be raised in the State for its proportion demanded by Congress for the year seventeen hundred and seventy-nine, when the same, or any fourth part thereof, shall come to the hands of the State Treasurer, and to direct the payment of the said sums respectively into the Treasury of the United States, there to be placed to the credit of this State,

You are hereby directed to pay the said sixty thousand dollars into the said Treasury of the United States forthwith, and also the one hundred and fifty thousand dollars when the same, or any fourth thereof, may come to your hands, and have the same placed to the credit of this State, and the same payments shall be allowed you on settlement of your accounts with the committee of the General Assembly for that purpose to be appointed.

Then the Council allowed the following accounts, brought in at their present meeting, for services rendered the State and expenses incurred during their attendance on the Council, viz :

No. 1.	To Col. French Battell's account, as adjusted, ...	£ 420 15 9
No. 2.	To Samuel Patterson, Esq., his account for traveling charges, ...	6 0 0
<i>Carried over</i> , ...		£ 426 15 9

* The motion to adopt and the note of passage of this and the subsequent resolution are absent in the original minutes.

	<i>Brought over,</i>	£ 426 15 9
No. 3.	To William Polk, Esq., ditto, ...	2 10 0
4.	To John Clowes, Esq., ditto, ...	3 0 0
5.	To Peter Hyatt, Esq., ditto, ...	1 10 0
6.	To William Conwell, Esq., ditto, ...	3 0 0
7.	To George Read, Esq., ditto, ...	9 0 6
8.	To Benjamin Vining, as Clerk of Council, .	20 10 0
9.	To Thomas North, barber, his account, . .	17 5 0
10.	To John Bullen, his account for forage, . .	9 12 0
11.	To sundries from Mr. Battell, ...	3 17 6
Total,*		<u>£ 516 0 9</u>

Ordered, That the Speaker draw orders on the Trustees of the Loan Offices of Kent and Sussex Counties, in equal proportions, for the said sum of five hundred and sixteen pounds and nine pence, in favor of Mr. French Battell.

Whereupon the said orders were drawn, and the Council adjourned till the 17th day of May next, to meet at the Town of Dover.

* This total is £19 more than the items show, but so it is recorded.

MINUTES OF COUNCIL.

MAY, 1779.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MAY, 1779.

At a meeting of the Council at the Town of Dover, in the County of Kent, by adjournment, on Monday, the 17th day of May, Anno Domini 1779, a sufficient number of the members to compose a House not attending, the Council adjourned from day to day until Monday, the 24th day of this instant.

MONDAY, May 24th, 1779.

The following members attended in the Council, viz :

For New Castle County—Peter Hyatt.

For Kent County—The Honorable Thomas Collins, Richard Bassett, John Banning.

For Sussex County—William Conwell, William Polk, John Clowes.

On motion,

Resolved, That a committee of two be appointed to wait on his Excellency, the President, and inform him that a sufficient num-

ber of the members of the Council have met to form a House, and are ready to receive any business which he may have to lay before them.

The gentlemen chosen : Mr. Bassett and Mr. Conwell.

The committee, being returned, reported that they had waited on his Excellency, the President, with the above message, according to order, when he was pleased, in answer, to say that he had laid all the business which he had before the General Assembly, by message, which was delivered to the Speaker of the House of Assembly.

Adjourned till to-morrow morning, 10 o'clock.

TUESDAY, A. M., May 25th, 1779.

The Council met. Present the same members as on yesterday.

Mr. Cook, a member of Assembly, was admitted and delivered to the Chair a message from the President to the General Assembly, inclosing a letter from the President of Congress of the 7th April, and two acts of Congress, the one, of the 23d March, for regulating the Clothing Department, the other, of the 5th April, providing for the pay of the officers employed in it; also a letter from Mr. Pomeroy, Commissioner for settling all accounts of arrearages for clothing for the year 1777, requesting a return of the expenditures of this State, and an act of Congress of the 2d March to that effect.

The same member also delivered a letter from the President of the State of New Hampshire, inclosing an act of the General Court of that State to prevent the return into that State of certain persons therein mentioned, &c.

The same member also delivered to the Chair a copy of the President's Proclamation for suspending part of the act "to prohibit the exportation of provisions from this State beyond the seas for a limited time," so far as the same relates to the Massa-

chusetts Bay ; with a letter from the President of Congress, inclosing an act of that body for affording relief to the distressed inhabitants of the Island of Bermuda, and a resolution of the House of Assembly prohibiting the exportation of Indian Corn to the Island of Bermuda.

On motion, by order, the foregoing message, and its inclosures, were severally read, and the said message follows in these words, viz :

“Gentlemen of the General Assembly :

“Since your last sitting I received a letter from the honorable the President of Congress, with an act of that honorable body, dated the ninth day of March last, recommending it to the several States to make up and complete their respective battalions to their full complement, by drafts, or in any other manner they shall think proper, and to have their quotas of deficiencies ready to take the field and to march to such place as the Commander-in-Chief shall direct without delay, &c. As there is not a power vested in any but the General Assembly to comply with the act on the part of this State, and as this is the first opportunity I have had, I must now, tho’ late in the year, beg leave to lay the letter and act, with a return of the regiment, before your Honors for consideration.

“The Secretary will lay before your Honors, with the President’s letter, two acts of Congress, one of the twenty-third of March, for regulating the Clothing Department, the other, of the fifth of April, providing for the pay of the officers employed in it. He will also lay before you a letter from Mr. Pomeroy, the Commissioner appointed to settle and pay all accounts of arrearages for clothing due to the troops of these States for the year seventeen hundred and seventy-seven, requesting a return of the expenditures of this State, and also an act of Congress, dated the second of March, to that effect.

“By the Secretary I have sent you a letter from his Excellency, the President of the State of New Hampshire, inclosing an act of the General Court of that State ‘to prevent the returning into the State certain persons therein named, and others who have left or shall leave that State, or either of the United States of America, and have joined or shall join the enemies thereof.’

“ Permit me to inform your Honors that, in virtue of a recommendation of Congress, I have, with the advice of the Privy Council, suspended, by proclamation under the Great Seal, a part of the act ‘to prohibit the exportation of provisions from this State beyond the seas for a limited time,’ so far as the same relates to the State of Massachusetts Bay, and now send you, with a copy of the proclamation above mentioned, a recommendation of Congress for affording relief to the distressed inhabitants of Bermuda.

“ Gentlemen—I have just received, and beg leave to lay before you for consideration, a letter from the Honorable John Dickinson, Esquire, one of the Delegates in Congress on the part of this State, by which you will find Congress have called upon the United States, in addition to the sum required by a resolution of the second of January last, for their respective quotas of five millions of dollars, to be paid into the Continental Treasury before the first day of January next ; that the quotas are to be in the same proportion with those of the fifteen million, and that the quota of this State will be four hundred and fifty thousand dollars.

“ You will receive herewith a remonstrance, signed by a number of the officers of the Delaware Regiment, addressed to the House, and just put into my hands to lay before you.

“ Dover, May 24th, 1779.

CÆSAR RODNEY.”

On motion, by order,

The resolution of the House of Assembly prohibiting the exportation of Indian corn to the Island of Bermuda was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the resolution prohibiting the exportation of Indian corn to the Island of Bermuda was read the second time and rejected ; and thereupon

Resolved, That a committee of two be appointed on the part of the Council to confer with a committee of the House of Assembly on the subject matter of the resolution of Congress for affording relief to the distressed inhabitants of Bermuda, and the resolution of the House of Assembly founded thereon.

The members chosen : Mr. Clowes and Mr. Bassett.

Ordered, That Mr. Conwell return to the House of Assembly the foregoing resolution of Congress, and the resolution of the Assembly founded thereon, and deliver the following verbal message from the Council to the House of Assembly, viz :

Gentlemen :

The Council took into consideration your resolution of yesterday respecting the exportation of Indian corn from this State to the Island of Bermuda, for the relief of the distressed inhabitants there, and beg leave to inform your honorable House that, as at present advised, they cannot concur with you, and therefore propose that a committee of both Houses be appointed to confer on the subject matter of the said resolution, if agreeable to your honorable House, and do accordingly appoint, on the part of this House, for the purpose aforesaid, Messrs. John Clowes and Richard Bassett, who will attend your committee when and where they shall appoint.

Mr. Conwell, being returned, reported the delivery of the above papers according to order.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair the answer of the House of Assembly to the above verbal message of the Council, which was read, and is in these words, viz :

“IN THE HOUSE OF ASSEMBLY,

“TUESDAY, P. M., May 25, 1779.

“Read the first time, and the House, on their part, appoint
“Messrs. Lea, Ridgely, and Latimer conferees for the purpose
“aforesaid.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly.*”

Adjourned till to-morrow morning, 8 o'clock.

WEDNESDAY, A. M., May 26, 1779.

The Council met. Present the same members as on yesterday.

Some of the members attending the committee of conference,
the Council adjourned till three o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee of conferees on the subject matter of the resolution of the House of Assembly prohibiting the exportation of Indian corn from this State to the Island of Bermuda for the relief of the distressed inhabitants there, now made their report, which, by order, was read and agreed to.

On motion, by order,

The supplementary bill to the act of pardon was read by paragraphs, and sundry amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent, with the said

bill, to the House of Assembly for consideration and concurrence, by Mr. Baning.

On motion of Mr. Polk, for leave of absence till ten o'clock on Monday next, the same was granted.

Adjourned till to-morrow morning, 8 o'clock.

THURSDAY, A. M., May 27th, 1779.

The Council met. Present the same members as on yesterday, except Mr. Polk.

Mr. Baning now reported the delivery of the papers committed to him, according to the order of yesterday.

Mr. Davis, a member of Assembly, was admitted and delivered to the Chair the accounts and vouchers of the Clothier-General, with the report of the Joint Committee for Public Accounts thereon.

On motion,

Resolved, That a committee be appointed to prepare and bring in a bill, by way of supplement to an act entitled "An act to prohibit the exportation of provisions from this State beyond the seas for a limited time."

The members chosen : Mr. Bassett and Mr. Clowes.

On motion, by order,

The report of the Joint Committee for Public Accounts on the Clothier-General's accounts, was read the first time.

By special order the same was read the second time and agreed to, and is as follows, viz :

"The joint committee appointed for settling and adjusting the
"public accounts, report that they have examined the accounts
"of expenditures of George Craghead, Esq., Clothier-General
"of this State, and find a balance due from the said George

“Craghead to this State of two hundred and fifty-six pounds ten shillings and two pence. In the examination of the account they find that he has charged a commission of five per cent. on all his purchases, as also on the sum of two thousand three hundred and twenty pounds paid to the officers of the Delaware Regiment, voted to them by a resolution of the General Assembly as a compensation for their former services, which commissions, your committee think, are too large and extravagant for that last mentioned service, and that two and a-half per cent. will be a sufficient allowance for paying away that sum, and have therefore charged him with the sum of fifty-eight pounds, it being the difference between the five per cent. and two and a-half per cent. All which your committee submit to the consideration of the House.”

Ordered, That Mr. Hyatt return to the House of Assembly the foregoing accounts and vouchers of the Clothier-General, with the report of the Joint Committee of Public Accounts thereon, agreed to by the Council.

Mr. Hyatt reported the delivery thereof according to order.

The committee appointed to prepare and bring in a bill, by way of supplement to an act entitled “An act to prohibit the exportation of provisions from this State beyond the seas for a limited time,” now delivered one at the table.

On motion, by order, the said bill was read the first time.

By special order the same was read the second time.

The same, by order, was read a third time by paragraphs and will pass.

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence, by Mr. —.

Adjourned till to-morrow morning, 8 o'clock.

FRIDAY, A. M., May 28th, 1779.

The Council met. Present the same members as on yesterday, and also Mr. Read.

Mr. Stout, a member of Assembly, was admitted and presented to the Chair a message from his Excellency, the President, to the General Assembly, inclosing a memorial addressed to him by Capt. William Murray, of the Island of Bermuda, praying leave to exchange salt for corn.

The same member also delivered to the Chair a resolution of the House of Assembly for a draught of twelve thousand dollars in favor of the Clothier-General, with a resolution of that House for the sale of divers articles of clothing by the said Clothier-General.

On motion, by order,

The President's message and Capt. Murray's memorial, accompanying the same, were severally read, and the said message is in these words, viz :

“Gentlemen of the General Assembly :

*“Since my message of the 24th instant, I have received, and
“now beg leave to lay before you, a letter from the President of
“Congress, with an act of that honorable body calling on the
“States for forty-five millions of dollars.*

*“The Secretary will lay before your Honors, for consideration,
“the application of Captain William Murray, of the Island of
“Bermuda, for leave to exchange salt for corn, and I am to in-
“form you that Mr. Murray wishes to be called before the House
“and examined touching his application.*

“Dover, May 28th, 1779. CÆSAR RODNEY.”

On motion, by order,

The resolution of the House of Assembly for a draught of twelve thousand dollars in favor of the Clothier-General, was read the first time.

By special order the same was read the second time, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ THURSDAY, P. M., May 27th, 1779.

“ On motion,

“ *Resolved*, That the Speakers of both House be empowered
“ and directed to draw upon William McClay, Commissioner for
“ the sale of Forfeited Estates in the County of New Castle, for
“ the sum of twelve thousand dollars in favor of George Crag-
“ head, Esq., Clothier-General of this State, to enable him to
“ furnish each officer of the Delaware Regiment with the clothes
“ allowed by the General Assembly to the said officers for the
“ present year.

“ Extract from the minutes.

“ JAS. BOOTH, *Cl'k of Assembly*.”

On motion, by order,

The resolution of the House of Assembly for the sale of divers articles of clothing by the Clothier-General, was read the first time.

By special order the same was read the second time, and some amendments were proposed and agreed to.

Ordered, That the same be transcribed.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That Mr. Baning return to the House of Assembly the resolution for a draught of twelve thousand dollars in favor of the Clothier-General, with the concurrence of the Council thereto, and also the resolution for the sale of divers articles of clothing by the Clothier-General, with a paper of amendments proposed thereto by the Council.

Mr. Baning, being returned, reported the delivery of the same according to order.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair an act of Congress recommending to the several States to complete their respective battalions to their full complement, with a resolution of the House of Assembly for filling up the Delaware Regiment, and the return of said regiment, a remonstrance from the officers of the same regiment, and the resolutions of the House of Assembly for the encouragement of the officers thereof.

On motion, by order,

The foregoing resolutions, return and remonstrance were severally read the first time.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly respecting the clothing of the Delaware Regiment, and also the resolution for the sale of divers articles of clothing by the Clothier-General, with the amendments proposed thereto by the Council acceded to by the House of Assembly.

On motion, by order,

The foregoing resolution respecting the clothing of the Delaware Regiment was read, concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“FRIDAY, P. M., May 28th, 1779.

“WHEREAS George Craghead, Esq., Clothier-General, hath informed the House that there are divers quantities of woollen cloth, &c., belonging to this State, in the hands of Lieutenant Colonel Charles Pope, of the Delaware Regiment, and others,

“*Ordered therefore*, That the said Clothier-General receive
“of Colonel Pope all the cloths, blankets, and other articles
“of clothing in his hands belonging to this State, and also that
“he receive of all other persons such clothing or articles thereof
“as they may have in possession belonging to the State, and
“apply the same towards clothing the Delaware Regiment, first
“returning an exact account of each article so obtained, and

“from whom, to the President of the State, to be laid before the
“General Assembly at their next sitting.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly.*”

Ordered, That Mr. Read return the foregoing resolution to the House of Assembly, concurred in by the Council.

Adjourned till to-morrow morning, 8 o'clock.

SATURDAY, A. M., May 29th, 1779.

The Council met. Present the same members as on yesterday, and also Mr. Polk.

On motion,

The President's message of the 28th instant, with the memorial of William Murray, of the Island of Bermuda, was read a second time and taken into consideration.

Resolved, That it is the opinion of this House that the distress of the inhabitants of the said Island of Bermuda ought to be relieved by a speedy supply of provisions from this State, and that power be given to the President, with the advice of the Privy Council, to grant his license for the same to such persons whose attachment to the United States is vouched or known, and that a bill be prepared and brought in for this purpose.

Whereupon such a bill is laid upon the table.

On motion, ordered that the same be read the first time.

By special order the same was read the second time, and it will pass.

Ordered, That the said bill be engrossed.

Ordered also, That the said bill engrossed be sent, with the President's message of the 28th instant, and Captain Murray's

memorial, to the House of Assembly, for their consideration and concurrence, by Mr. Read.

Mr. Read, being returned, reported the delivery of the several papers committed to him, according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair the bill for the relief of the inhabitants of the Island of Bermuda, concurred in by that House and signed by their Speaker, with a resolution of the House of Assembly for affixing the Great Seal to the same.

On motion, ordered that the said bill be now signed by the Speaker of the Council, and that the same pass into a law.

Ordered also that the Speaker sign the resolution for affixing the Great Seal to the said bill, and that the same be delivered to the President.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair the public accounts and vouchers, and the report of the Joint Committee of Public Accounts, and a resolution of the House of Assembly for the advance of three hundred dollars to Captain Learmouth.

On motion, by order, the said resolution was read the first time.

Adjourned till Monday morning, 10 o'clock.

MONDAY, May 31st, 1779.

The Council met. Present all the members as on Saturday, except Messrs. Clowes, Polk and Conwell.

On motion, by order,

The resolution respecting an advance of monies to Captain Learmouth was read and concurred in, and is as follows, viz :

“WHEREAS by Captain Learmouth’s enlistment accounts for “the last campaign, a balance appears due to him, but the same “cannot now be settled for want of the vouchers ; therefore

“*Resolved*, That the President of this State be requested to “advance three hundred dollars to the said John Learmouth out “of any public monies in his hands, for which the said Learmouth is to be accountable to the General Assembly.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl’k of Assembly.”

Ordered, That Mr. Hyatt return the foregoing resolution to the House of Assembly, concurred in by the Council.

Mr. Hyatt reported the delivery thereof according to order.

Adjourned till to-morrow morning, 10 o’clock.

TUESDAY, A. M., June 1st, 1779.

The Council met. Present the same members as on yesterday, and also Messrs. Clowes and Conwell.

Adjourned till 3 o’clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a bill for the recovery of sundry sums of money from the executrix of Jacob Kollock, deceased, with the report of the committee for settling the Loan Office accounts in the year seventeen hundred and seventy-six.

The same member also delivered a memorial from Capt. Allen McLane, of the 28th April, 1779, addressed to the Congress of the United States, accompanied with an act of Congress, founded thereon, enclosed in a letter from the President of Congress to the President of this State, and a report of the Joint Committee of Accounts upon the same memorial, accounts and vouchers of Capt. Allen McLane.

On motion, by order,

The foregoing memorial of Capt. Allen McLane, and the act of Congress indorsed thereon, and the report of the Joint Committee of Accounts on the said memorial and accounts, were severally read, and the said report of the Joint Committee of Accounts was concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ TUESDAY, A. M., June 1st, 1779.

“ The Committee of Accounts, to whom were referred the “ memorial of Captain McLane, &c., made their report, which “ was read and agreed to by the House, and follows in these words, viz :

“ The Joint Committee of Accounts, to whom were referred “ the memorial of Captain McLane and the resolution of Congress thereon, beg leave to report that they have carefully examined his accounts and all the circumstances attending them, “ and find that Capt. McLane has received the same allowance, “ at settlement of his accounts with the auditors, that the officers “ of the Delaware Regiment have, but that Capt. McLane, from “ his particular situation, not being under the direction of any “ State, and not having similar orders for recruiting with the

“officers belonging to particular States, he was obliged to pursue those of his colonel, whereby he incurred an extraordinary expense, amounting to three hundred and nine pounds fourteen shillings and four pence, which your committee think should be allowed him, and be charged by this State to the Continent, agreeable to the aforesaid resolution of Congress, indorsed on his memorial.

“On motion,

“*Resolved*, That the Speakers of both Houses draw on the State Treasurer for the aforesaid sum of three hundred and nine pounds fourteen shillings and four pence in favor of Capt. Allen McLane.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly*.”

Ordered, That the same be returned to the House of Assembly, with the concurrence of the Council thereto, together with Capt. McLane's memorial, accounts and vouchers, and the act of Congress indorsed thereon, and the President's letter, by Mr. Clowes.

Mr. Cook, a member of Assembly, was admitted and delivered to the Chair an act of Congress, of the 16th December last, for annexing Captain Allen McLane's company to the Delaware Regiment, and a copy of General Washington's order to the commanding officer of the Delaware Regiment to annex Capt. McLane's company to the said regiment, together with a memorial from Captain McLane to the General Assembly, praying leave to be annexed to the Delaware Regiment, and a resolution of the House of Assembly for that purpose, founded on the said memorial.

On motion, by order, the foregoing papers were severally read, and the resolution of the House of Assembly for annexing Capt. McLane's company to the Delaware Regiment, was concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“TUESDAY, P. M., June 1, 1779.

“A memorial from Captain Allen McLane was presented to the Chair, and, by order, read the first time, and thereupon

“*Resolved*, That Captain Allen McLane, his officers, and the non-commissioned officers and privates of his company, be annexed to the battalion or regiment of this State, agreeable to the resolution of Congress of the 16th of December last, and the direction of his Excellency the Commander-in-Chief of the Army, and that they be allowed the same pay, emoluments and advantages with the other officers and men belonging to the same regiment, and be in all respects considered as part of the same corps.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly*.”

Ordered, That Mr. Clowes return the said resolution to the House of Assembly concurred in by the Council, together with the foregoing act of Congress, General Washington's order, and Captain McLane's memorial.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., June 2d, 1779.

The Council met. Present the same members as on yesterday.

Mr. Clowes now reported the delivery of the several papers committed to him, according to the order of yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Doctor Clayton, a member of Assembly, was admitted and delivered to the Chair a bill entitled “An act for the better proportioning the punishment to the crime of slave and horse stealing and conjuration, and for other purposes.”

On motion, by order, the foregoing bill was read the first time.

On motion, by order,

The resolutions of the House of Assembly for filling up the Delaware Regiment were read a second time, and sundry amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent, with the said resolutions, to the House of Assembly, for their consideration and concurrence, by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The bill for the recovery of sundry sums of money from the executrix of Jacob Kollock, deceased, &c., was read the first time.

On motion, by order,

The resolutions of the House of Assembly for the encouragement of the officers of the Delaware Regiment were read the second time and deferred for consideration.

Adjourned till to-morrow morning, 10 o'clock.

THURSDAY, A. M., June 3d, 1779.

The Council met. Present the same members as on yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Kollock, a member of Assembly, was admitted and delivered to the Chair the resolutions for filling up the Delaware Regiment, with the amendments proposed thereto by the Council acceded to by the House of Assembly and made therein.

The same member also delivered a bill for the better securing elections within this State.

The same member also delivered a bill to increase the fines and penalties on the civil and military officers and the privates of the Militia for refusal or neglect of duty, and to augment the fees of several officers and other persons, and also the following order of the House of Assembly respecting their adjournment, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ THURSDAY, A. M., June 3d, 1779.

“ On motion,

“ *Ordered*, That Mr. Kollock wait on the Council and inform
“ them that this House intend to adjourn on Saturday next to
“ the thirtieth day of September following.

“ Extract from the minutes.

“ JAS. BOOTH, *Cl'k of Assembly.*”

On motion, by order,

The resolutions for filling up the Delaware Regiment, as amended and agreed to, were read and concurred in, and are as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ WEDNESDAY, June 3d, 1779.

“ WHEREAS by a return of the present state of the Delaware
“ Regiment, the same appears to be deficient in numbers ; in
“ order, therefore, to fill up the said regiment

“ *Resolved*, That the President be requested to apply to Gen-

“eral Washington, or the commanding officer of the regiment
“aforesaid, forthwith to order three or more officers from the
“said regiment into this State upon the recruiting service.

“*Resolved also*, That every officer be allowed one hundred
“dollars for each able-bodied soldier he may enlist to serve dur-
“ing the war, and who shall pass muster.

“That an additional bounty of eighty dollars, over and above
“the two hundred dollars allowed by Congress, be given to every
“soldier that may be so enlisted.

“That the President be authorized to appoint one or more fit
“persons within this State to muster such recruits.

“That the Speakers of both Houses be empowered to draw
“an order on the State Treasurer in favor of the President for
“thirty-six thousand dollars, and that the President, on receipt
“of the same, advance thereout from time to time to the officers
“respectively appointed to recruit for the said regiment such
“sum or sums as he shall judge prudent and necessary to enable
“them to proceed in the said service.

“That the said officers respectively, before they depart the
“State, when called upon by the President, shall account with
“him for the expenditure of all monies received for the purpose
“aforesaid.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly*.”

Adjourned till to-morrow morning, 10 o'clock.

FRIDAY, A. M., June 4th, 1779.

The Council met. Present the same members as on yesterday.

On motion, by order,

The bill for the better securing elections within this State was read the first time.

On motion, by order,

The bill to increase the fines and penalties on civil and military officers, and the privates of the Militia, for refusal or neglect of duty, &c., was read the first time.

On motion for leave to bring in a bill for the speedy recovery of public debts, the same was granted ; whereupon a bill for that purpose was laid on the table.

On motion, by order, the said bill was read the first time.

By special order, the same was read the second time and will pass.

On motion, by order,

The bill for the better proportioning the punishment to the crime of slave and horse stealing, &c., was read the second time by paragraphs, and some amendments were proposed, agreed to and ordered to be transcribed.

Ordered, That Mr. Conwell return to the House of Assembly the last-mentioned bill, with the paper of amendments proposed thereto by the Council, and also the resolutions for filling up the Delaware Regiment, with the concurrence of the Council thereto, and to deliver to that House the bill for the speedy recovery of public debts, for their consideration and concurrence.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Conwell now reported the delivery of the above papers according to order.

Mr. Patterson now appeared in the Council.

The Council now took into consideration the resolutions of the House of Assembly for the encouragement of the officers of the Delaware Regiment, and several amendments, by way of addition to the same, were proposed and agreed to.

Ordered, That Mr. Polk return the said resolutions and transcribed amendments to the House of Assembly, for their concurrence.

Mr. Polk, being returned, reported the delivery thereof according to order.

On motion, by order,

The bill for the recovery of sundry sums of money from the executrix of Jacob Kollock, deceased, was read the second time, and sundry amendments were proposed and agreed to.

Ordered, That Mr. Hyatt return the said bill, with the transcribed amendments thereto, to the House of Assembly for concurrence, and the copy of the state of the public accounts in Sussex County.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair a bill for the introducing economy in the purchasing supplies for the Army of the United States.

The same member also delivered to the Chair a resolution of the House of Assembly for the appointment of a committee to settle the State Treasurer's accounts.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., June 5th, 1779.

The Council met. Present all the members.

Mr. Hyatt now reported the delivery of the several papers given to him in charge, according to the order of yesterday.

On motion, by order,

The bill for the better securing elections within this State was read the second time.

The same was read a third time by paragraphs, and sundry amendments were proposed and agreed to.

Ordered, That Mr. Baning return the said bill to the House of Assembly, with the paper of amendments proposed thereto by the Council, for their consideration and concurrence.

Mr. Baning, being returned, reported the delivery thereof according to order.

Dr. Clayton, a member of Assembly, was admitted and delivered to the Chair a bill for raising an additional sum of four hundred and ninety-five thousand dollars by a general tax.

The same member also delivered to the Chair the report of the committee appointed to state an account of expenditures by this State on behalf of the Continent, with the report of the Joint Committee of Accounts, and the public accounts and vouchers.

The same member also delivered to the Chair the resolutions for the encouragement of the officers of the Delaware Regiment, with the paper of amendments proposed thereto by the Council, in part acceded to by the House of Assembly.

On motion, by order,

The bill for raising an additional sum of four hundred and ninety-five thousand dollars, &c., by a general tax, was read the first time.

On motion, by order,

The bill to increase the fines and penalties on civil and military officers, &c., was read the second time.

Mr. Latimer, a member of Assembly, was admitted and returned to the Chair the bill for the speedy recovery of public debts, with a paper of amendments proposed thereto by the House of Assembly.

On motion, by order,

The bill for the introducing economy in the purchasing supplies for the Army of the United States was read the first time.

On motion, by order,

The resolution of the House of Assembly for the appointment of a committee to settle the accounts of the State Treasurer was read and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“FRIDAY, A. M., June 4th, 1779.

“On motion,

“*Resolved*, That a committee of three be appointed to settle and adjust the accounts of the State Treasurer, and make report thereof to the General Assembly at their next sitting. The members appointed, on the part of this House, were Joshua Clayton and George Latimer, Esquires.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly*.”

And thereupon the Council appoint, on their part, John Thompson, of New Castle County, Esquire, to join the said committee of the House of Assembly for the purpose aforesaid.

On motion, by order,

The report of the committee appointed to state an account of expenditures by this State on behalf of the Continent, was read the first time.

On motion, by order,

The report of the Joint Committee of Public Accounts was read the first time.

The Council then reconsidered their amendments to the resolution of the House of Assembly for the encouragement of the officers of the Delaware Regiment, which was disagreed to by that House, and adhered to the same.

On motion, by order,

The Council took into consideration the amendments proposed by the House of Assembly to the bill for the speedy recovery of public debts, and the same being agreed to were made in the bill, and thereupon

Ordered, That the said bill be engrossed.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the bill for the recovery of public monies from the late Trustees of the Loan Office in Sussex County, and others therein named; the bill for the better proportioning the punishment to the crime of slave and horse stealing and conjuration, and for other purposes; also the supplement to an act entitled "An act of free pardon and oblivion"; and also the bill for the better securing elections within this State, (with the several amendments proposed to the same bills) respectively signed by the Speaker of the House of Assembly, in order that the said bills may be compared and signed by the Speaker of the Council.

The same member also delivered a resolution of the House of Assembly for affixing the Great Seal of this State to the foregoing bills.

Ordered, That Mr. Clowes return to the House of Assembly the resolutions for the encouragement of the officers of the Dela-

ware Regiment, and the amendments proposed thereto by the Council, and inform them that the Council still adhere to their amendment partially disagreed to by the House of Assembly.

Mr. Clowes reported the delivery thereof according to order.

Mr. Cook, a member of Assembly, was admitted and delivered the last-mentioned resolutions, with the amendments proposed thereto by the Council generally agreed to by the Assembly and made therein, and the same, as amended, were read and concurred in, and are as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ FRIDAY, A. M., May 28, 1779.

“ WHEREAS from the advanced prices of the necessaries of
“ life the officers of the Delaware Regiment, in the service of the
“ United States of America, cannot furnish themselves with the
“ same, with their present pay, without injury to their private
“ fortunes ; in order therefore to relieve the officers of the said
“ regiment from the difficulties aforesaid and enable them to con-
“ tinue in the service of their country,

“ *Resolved*, That the officers of the Delaware Regiment, here-
“ after mentioned, be allowed monthly, except while on furlough,
“ until otherwise ordered by the General Assembly, as follows, to
“ wit : Each field officer, two gallons of rum, six ounces of tea,
“ two pounds of coffee, two pounds of chocolate, and six pounds
“ of Muscovado sugar ; each captain, five quarts of rum, five
“ ounces of tea, one pound and an half of coffee, one pound
“ and an half of chocolate, and five pounds of Muscovado su-
“ gar ; each subaltern, four quarts of rum, four ounces of tea,
“ one pound of coffee, one pound of chocolate, and four pounds
“ of Muscovado sugar ; the surgeon, four quarts of rum, four
“ ounces of tea, one pound of coffee, one pound of chocolate,
“ and four pounds of Muscovado sugar ; and the surgeon's mate,
“ three quarts of rum, three ounces of tea, one pound of coffee,
“ one pound of chocolate, and three pounds of Muscovado sugar.
“ That the Clothier-General of this State for the time being be
“ empowered to purchase such and so many of the articles afore-
“ said as may be sufficient for a two months' supply and forward
“ them to camp with all convenient dispatch, to the care and
“ custody of the Paymaster to the Delaware Regiment for the
“ time being, to be by him delivered out to the respective officers

“of the said regiment by such proportions and in such times as
“in the foregoing resolution is directed.

“That the President be empowered and directed to draw his
“order on the State Treasurer forthwith to pay into the hands
“of the said Clothier-General the sum of one thousand pounds,
“to enable him to make purchase of the articles aforesaid.

“That the President be also empowered and directed to draw
“his order, from time to time thereafter, on the State Treasurer,
“to pay to the said Clothier-General such sum of money as the
“President shall judge necessary and sufficient for purchasing a
“quarterly supply of the articles allowed to the officers of the
“regiment as aforesaid, so as the same do not exceed the sum
“of one thousand and four hundred pounds in each quarter, the
“said Clothier-General returning from time to time to the Presi-
“dent a particular account of the expenditure of the preceding
“monies paid into his hands.

“That the said Clothier-General obtain from the Paymaster
“his quarterly account of deliveries, attested by the command-
“ing officer of the regiment, and that the said Clothier-General
“account with the General Assembly, or a committee thereof,
“for the expenditure of all monies so as aforesaid paid into his
“hands once in every six months at the least.

“That the Clothier-General give bond to the State Treasurer,
“in the name of the Delaware State, with one or more good and
“sufficient sureties, in the sum of five thousand pounds, lawful
“money, conditioned for the faithful performance of the duties
“hereinbefore required of him.

“That in consideration of the services rendered by the officers
“of the said regiment, and to encourage the continuance thereof,
“the half-pay of each officer of the said regiment, who by a
“certain resolution of Congress shall be entitled to half-pay for
“the term of seven years, to commence at the end of the present
“war, be continued by this State from and after the expiration of
“the said seven years for and during the life of every such officer.

“That every officer of the said regiment who shall be entitled
“to the continuance of the half-pay, agreeable to the last reso-
“lution, shall be subject to be called into actual service at such
“times as the Legislature, or, in their recess, the Executive

“power of the State, shall deem necessary ; and upon the neglect or refusal of any officer, he having no reasonable excuse, to be judged of by the General Assembly, the half-pay aforesaid of every such officer shall be discontinued from the time of such neglect or refusal.

“That the widow of every officer of the said regiment who hath died in the service aforesaid since the commencement of the present war, or may die during the continuance thereof, shall be entitled to and receive, during her widowhood, a moiety of the pay which such officer was entitled to while in the service.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The several beforementioned bills, respectively signed by the Speaker of the House of Assembly, were read and compared, and ordered to be signed by the Speaker of the Council ; which was accordingly done.

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the same bills, was read, concurred in, and signed by the Speaker.

On motion, by order,

The bill for the speedy recovery of public debts, being engrossed, was read and compared, and ordered to be signed by the Speaker ; which was accordingly done.

Ordered, That Mr. Bassett deliver to the House of Assembly the last mentioned bill, with its amendments, in order to be compared and signed by the Speaker of that House, and inform them that Council have acceded to their proposed amendments to the same bill, and have accordingly engrossed it, with the resolution of the Council for affixing the Great Seal to the same ; and also that he return to the House of Assembly the several foregoing bills, respectively signed by the Speaker of the Council, with their several amendments, and the resolution of the House of Assembly for affixing the Great Seal to the said bills ; the reso-

lution of that House for the appointment of a committee to settle the State Treasurer's accounts, and the resolutions for the encouragement of the officers of the Delaware Regiment, respectively concurred in by the Council.

Mr. Bassett, being returned, reported the delivery and return of the foregoing papers according to order.

Adjourned till to-morrow morning, 10 o'clock.

SUNDAY, A. M., June 6th, 1779.

The Council met. Present all the members.

On motion, by order,

The bill for raising an additional sum of four hundred and ninety-five thousand dollars for the present year, by a general tax, was read a second time.

The same was read a third time by paragraphs, and sundry amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent, with the said bill, to the House of Assembly for their concurrence, by Mr. Baning.

Mr. Baning, being returned, reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met. Adjourned till to-morrow morning, eight o'clock.

MONDAY, June 7th, 1779.

The Council met. Present the same members as on yesterday, except Mr. Bassett.

Mr. —, a member of Assembly, was admitted and delivered to the Chair the bill for raising an additional sum of four hundred and ninety-five thousand dollars for the present year, by a general tax (with its amendments), signed by the Speaker of the House of Assembly, and a resolution of that House for affixing the Great Seal thereto.

On motion, by order,

The foregoing bill was read and compared, and ordered to be signed by the Speaker of the Council; which was accordingly done.

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal of this State to the foregoing bill was read and concurred in.

Ordered, That Mr. Conwell return to the House of Assembly the foregoing bill and resolution, respectively signed by the Speaker of the Council.

Mr. Conwell reported the return of the above papers according to order.

On motion,

Resolved, That all monies in the hands of the Commissioners for Forfeited Estates within this State be forthwith paid into the State Treasury, together with their accounts.

Then the Council took into consideration the accounts of their expenses brought in for the service of the State at their present meeting and the traveling charges of their members, and the following accounts were allowed, viz :

To William Conwell, Esq., for his traveling expenses to and from Dover, as per account, No. 1, ...	£ 12 0 0
To John Clowes, Esq., for ditto, No. 2, ...	18 0 0
To Peter Hyatt, Esq., for ditto, No. 3, ...	6 2 6
To Samuel Patterson, Esq., for ditto, No. 4, ...	6 0 0
To George Read, Esq., for ditto, No. 5, ...	6 0 0
	£ 48 2 6
To Jonathan McNatt, for attending the General As- sembly's horses, 149 days @ 7s. 6d., &c., No. 6,	87 7 6
To Benjamin Vining, for his services as Clerk of the Council, No. 7, ...	16 2 6
To Thomas North, barber's bill, No. 8, ...	5 10 0
To French Battell, for the expenses of the Council at his house, No. 9, ...	540 19 8
	£ 698 2 2
Servants, ...	6 0 0
	£ 704 2 2

Ordered, That the Speaker draw an order on the Trustee of the Loan Office for the County of Kent for the sum of eighty-seven pounds seven shillings and six pence, in favor of Jonathan McNatt; and also that he draw an order on the State Treasurer for the remaining sum of six hundred and sixteen pounds fourteen shillings and eight pence in favor of French McNatt.*

Whereupon the said orders were immediately drawn and signed by the Speaker.

Then the Council adjourned until the thirtieth day of September next.†

* Evidently an error in the manuscript, as appears by the preceding allowance.

† There is no record of the assembling of the Council on the day to which they stood adjourned.

MINUTES OF COUNCIL.

OCTOBER, 1779.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Council at the Town of Dover, in the County of Kent, on Wednesday, the twentieth day of October, in the year of our Lord one thousand seven hundred and seventy-nine, a quorum of the members to form an House not attending, the Council adjourned from day to day until Friday, the 22d day of this instant.

FRIDAY, P. M., October 22d, 1779.

The following members attended in the Council, viz :

For New Castle County—Samuel Patterson.

For Kent County—John Baning, Richard Bassett.

For Sussex County—John Clowes, William Conwell.

The return of the Sheriff and Inspectors for the County of New Castle of the election of a Councillor to fill the seat of George Read, Esq., which became vacant on the first day of October last by rotation, being laid on the table, it appears that Richard Cantwell, Esq., was elected a member of the Council for the County of New Castle, in the room of the said George Read, on the first day of October, instant.

Mr. Cantwell appeared in the Council.

The return of the Sheriff and Inspectors for the County of

Kent of the election of a Councillor being laid on the table, it appears that Thomas Collins, Esq., whose seat became vacant on the first day of October last by rotation, was reelected a member of the Council for the County of Kent, on the first day of this instant, October.

Mr. Collins appeared in the Council.

The return of the Sheriff and Inspectors for the County of Sussex of the election of a Councillor being laid on the table, it appears that William Polk, Esq., whose seat became vacant on the first day of October last by rotation, was reelected a member of the Council for the County of Sussex, on the first day of this instant, October.

Mr. Polk appeared in the Council.

The Council then proceeded to the choice of a Speaker, and John Clowes, Esq., was elected.

The Speaker being seated in the Chair, Mr. Benjamin Vining was appointed Clerk of the Council, and Benjamin Crooks appointed Doorkeeper and Sergeant-at-Arms.

Messrs. Cantwell, Collins and Polk, three members chosen at the last general election, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and then took their seats in the Council. [*See note on page 10.*]

Benjamin Vining appeared in the Council, took the oath and subscribed the declaration prescribed by the 22d article of the Constitution of this State, and also took the oath of office as Clerk of the Council. [*See note on page 11.*]

On motion,

Ordered, That Messrs. Collins and Patterson be a committee to wait on his Excellency, the President, and inform him that the Council, having now met, desire to know whether his Excellency has any business to lay before them.

The committee, being returned, reported that they had waited on his Excellency, the President, with the above message, according to order, and that he was pleased, in answer, to say, that

all the business which he had to lay before the General Assembly was communicated, by his Secretary, to the House of Assembly, to be handed by them to the Council.

Adjourned till to-morrow morning, 9 o'clock.

SATURDAY, October 23d, 1779.

The Council met. Present the same members as on yesterday, except Mr. Bassett.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for the appointment of a Committee for Public Accounts, which, by order, was read the first time.

By special order the same was read the second time and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ FRIDAY, P. M., October 22d, 1779.

“On motion,

“*Resolved*, That Messrs. Latimer, Lockwood, and Young be
“a Committee for Public Accounts, on the part of this House,
“for the ensuing year, and that Mr. Peery wait on the Council,
“with a copy of this resolution, and propose to them the ap-
“pointment of a committee of their body to join with the com-
“mittee of this House in the business referred to them, if they
“think proper.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence

Cl'k of Assembly.”

And thereupon

Resolved, That Messrs. Banning and Polk be appointed a committee, on the part of the Council, to join with the committee of the House of Assembly for the purpose above mentioned.

Ordered, That Mr. Patterson return to the House of Assembly the above resolution, with the concurrence and appointment of the Council thereto.

Mr. Patterson, being returned, reported that he had returned the same, according to order, to the House of Assembly.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair "A bill empowering the General Assembly of this State to adjourn to, and sit at, any town or place within the same."

On motion, by order, the said bill was read the first time.

By special order the same was read the second time by paragraphs, and sundry amendments were proposed and agreed to.

Ordered, That the said amendments be transcribed and sent, with the said bill, to the House of Assembly, for their consideration and concurrence, by Mr. Patterson.

Mr. Patterson, being returned, reported the return of the above papers according to order.

Adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., October 25th, 1779.

The Council met. Present the same members as on Saturday, except Mr. Bassett.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a remonstrance from divers inhabitants of the County of Kent, complaining of malpractices at the last general election in that county, accompanied with a proposal from the House of Assembly that the Council would appoint a committee of their body to join, with a committee of the House of Assembly, in an inquiry into the facts alleged in the said remonstrance.

On motion, by order, the said remonstrance and proposal were severally read the first and second time, and thereupon

Resolved, That Messrs. Polk and Cantwell be a committee, on the part of the Council, to join with the committee of the House of Assembly in the inquiry aforesaid.

Ordered, That Mr. Conwell return to the House of Assembly the foregoing remonstrance, and inform them that the Council have acceded to their proposal of a joint committee to inquire into the facts alleged in the said remonstrance, and have appointed, on their part, Messrs. Polk and Cantwell to join the committee of the House of Assembly for the purpose aforesaid.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met. Some of the members attending on the committee, the Council adjourned till to-morrow morning at 10 o'clock

TUESDAY, A. M., October 26th, 1779.

The Council met. Present the same members as on yesterday, and also Mr. Hyatt.

Mr. Conwell now reported the delivery of the paper committed to him, according to the order of yesterday.

Mr. William Clark, a member of the House of Assembly, was admitted and delivered to the Chair a paper recommending Stephen McWilliam for one of the vacant ensigncies in the Delaware Regiment, accompanied with a recommendatory letter from Maj. Joseph Vaughan, of the same regiment, to the Assembly of the Delaware State, in favor of the said Stephen McWilliam; and the following verbal message from the House of Assembly to the Council, viz :

"Gentlemen :

"The House of Assembly propose to your honorable House
"that both Houses meet in the Council Chamber at three o'clock
"in the afternoon, to put in nomination persons to be balloted
"for to supply the place of second Justice of the Court of Com-
"mon Pleas and Orphans' Court for the County of Kent, now
"vacant, and also to supply one of the vacant ensigncies in the
"Delaware Regiment. Dover, Oct. 26, 1779."

On motion, by order,

The foregoing papers were read, and the following answer from the Council to the above verbal message of the House of Assembly was drawn up at the table, and agreed to be sent to the House of Assembly, viz :

Gentlemen :

The Council have received your verbal message, proposing a meeting of the two Houses, in the Council Chamber, at three o'clock this afternoon, to put in nomination persons to be balloted for to supply the place of second Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and also to supply one of the vacant ensigncies in the Delaware Regiment, and are very willing to meet the honorable House of Assembly for the above purpose at the time and place proposed.

Ordered, That Mr. Conwell deliver the same to the House of Assembly, and return the papers recommending Stephen McWilliam for one of the vacant ensigncies in the Delaware Regiment.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Conwell reported the delivery of the foregoing papers committed to him according to order.

The House of Assembly then met the Council in the Council Chamber, agreeable to appointment, to put in nomination persons to be balloted for to supply the place of second Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and to fill one of the vacant ensigencies in the Delaware Regiment.

On motion,

Resolved, That Messrs. Patterson, Ridgely, and West be a committee to wait on his Excellency, the President, and inform him that the General Assembly have now met in the Council Chamber to put in nomination persons to be balloted for to supply the place of second Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and request his attendance, if he chooses to be present at such nomination.

The committee, being returned, report that they had waited at his Excellency's house and were informed that he was absent, and therefore could not deliver the message they had in charge.

The General Assembly then proceeded to the nomination of persons to be balloted for to supply the vacancies aforesaid, and the names of the persons being taken down for the consideration of the members, it was resolved that the General Assembly now separate, and meet in the Council Chamber, at ten o'clock tomorrow morning, to ballot for the person aforesaid out of the persons now put in nomination. Then the two Houses separated.

Mr. Adams, a member of Assembly, was admitted and delivered to the Chair the bill empowering the General Assembly of this State to adjourn to, and sit at, any town or place within the same, signed by the Speaker of the House of Assembly, together with the original bill and its amendments.

On motion, by order, the said bill was read, compared, and ordered to be signed by the Speaker of the Council ; which was accordingly done.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., October 27th, 1779.

The Council met. Present the same members as on yesterday.

Ordered, That the bill empowering the General Assembly of this State to adjourn to, and sit at, any town or place within the same, be returned by Mr. Polk to the House of Assembly, signed by the Speaker of the Council.

Mr. Polk reported the return of the above bill according to order.

The House of Assembly now met the Council in the Council Chamber, agreeable to the order of yesterday, for the purpose of balloting for persons to supply the place of second Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and to fill one of the vacant ensigncies in the Delaware Regiment.

The General Assembly then proceeded to ballot for a person to fill the latter vacancy, and upon examining the ballots it appeared that Stephen McWilliam was declared duly elected one of the ensigns in the Delaware Regiment.

On motion,

Ordered by both Houses, That Messrs. Patterson, Vandyke, and Peery be a committee to wait on his Excellency, the President, and acquaint him that the General Assembly have met, in the Council Chamber, to elect a person to supply the place of second Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and request his attendance at such election, if he thinks proper.

The committee, being returned, reported that they had waited on his Excellency and delivered the message committed to them, agreeable to order, and that he was pleased, in answer, to say that he would immediately attend the General Assembly.

The President attended, and proceeded with the General Assembly to ballot for a person to supply the place of second Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, and upon examining the ballots it appeared that Richard Lockwood, Esquire, was declared to be duly elected.

On motion,

Resolved, That the General Assembly now separate.

Then the President and the House of Assembly withdrew, and the Council adjourned till three o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair the bill empowering the General Assembly of this State to adjourn to, and sit at, any town or place within the same, with a resolution of the House of Assembly for affixing the Great Seal of the State to the said bill.

The same member also delivered to the Chair a message from the President, inclosing an act of Congress recommending Thursday, the ninth day of December next, to be observed as a day of public Thanksgiving, with a resolution of the House of Assembly founded on the said act of Congress.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., October 28th, 1779.

The Council met. Present the same members as on yesterday.

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the bill empowering the General Assembly of this State to adjourn to, and sit at, any town or place within the same, was read, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ WEDNESDAY, P. M., October 27th, 1779.

“ On motion,

“ *Resolved*, That the President and Commander-in-Chief affix
“ the Great Seal of the State to the following law, to wit : ‘ An
“ act empowering the General Assembly of this State to adjourn
“ to, and sit at, any town or place within the same.’

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The President's message, and the act of Congress therein referred to, were severally read, and the said message is as follows, to wit :

“ *Gentlemen of the General Assembly :*

“ I have just received, by express, an act of Congress, dated
“ the 20th instant, recommending to the several States that
“ Thursday, the ninth day of December next, be appointed a
“ day of public Thanksgiving, which act I have ordered the
“ Secretary to lay before your Honors.

“ Dover, October 27, 1779.

CÆSAR RODNEY.”

On motion, by order,

The resolution of the House of Assembly, founded on the fore-

going act of Congress, was read and concurred in, and is in these words, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ WEDNESDAY, P. M., October 27, 1779.

“ The House resumed the consideration of the act of Congress recommending Thursday, the ninth day of December next, to be observed as a day of public Thanksgiving; and thereupon

“ *Resolved*, That Thursday, the ninth day of December next, be and is hereby appointed to be observed throughout this State as a day of public and solemn Thanksgiving to Almighty God for His mercies, and of prayer for the continuance of His favour and protection to these United States, and for the other purposes in the said act recommended; and that his Excellency, the President of this State, be requested, by his proclamation, to publish the same accordingly throughout the same, on or before the twentieth day of November next.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Ordered, That Mr. Conwell return to the House of Assembly the foregoing bill empowering the General Assembly to adjourn to, and sit at, any town or place within the State, with the resolution for affixing the Great Seal thereto, respectively signed by the Speaker of the Council, and also the President's message, the act of Congress therein referred to, and the resolution of the House of Assembly founded thereon, concurred in by the Council.

Mr. Conwell reported the delivery of the above papers according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair the remonstrance complaining of malpractices at the last general election for Kent County, together with the lists of persons who voted at the said election, &c.

Mr. Young, a member of Assembly, was admitted and delivered to the Chair the papers recommending Stephen McWilliam for one of the ensigncies in the Delaware Regiment, together with an order from the House of Assembly for making out and delivering a copy of the appointment of the said Stephen McWilliam to the President, to be by him transmitted to the Board of War, in order that a commission may issue to the said Stephen McWilliam.

On motion, by order, the above mentioned order of the House of Assembly was read the first time.

By special order the same was read the second time, and some amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent, with the above papers accompanying the said order, to the House of Assembly, by Mr. Cantwell.

The committee of the Council appointed to join with a committee of the House of Assembly in making an inquiry into the facts alleged in a remonstrance, addressed to the House of Assembly, complaining of undue practices at the last general election in Kent County, now delivered their report at the table, which, by order, was read.

Mr. Stidham, a member of Assembly, was admitted and delivered to the Chair a petition from divers inhabitants of the County of New Castle, praying that measures may be taken to prevent engrossing and forestalling, and for an amendment to the Militia law.

The Council took into consideration the report of their joint

committee respecting the making an inquiry into the facts alleged in a remonstrance, addressed to the House of Assembly, complaining of undue practices at the last general election in Kent County, and thereupon the same was rejected ; and

Resolved, That the Council, for the dispatch of public business, had hastily concurred in the proposal of the House of Assembly in appointing a committee, to join with a committee of their honorable House on the subject matter of the said remonstrance, addressed to the House of Assembly, without having given that attention to the direction of the said remonstrance that might have been wished.

Resolved also, That a message be drawn up at the table and sent to the House of Assembly, signifying the impropriety of the Council having taken up the said business.

Which was done accordingly ; and the same, being read and agreed to, is as follows, to wit :

Gentlemen :

The Council, for the dispatch of business and in compliance with your request, did, on the twenty-fifth inst., appoint Messrs. Polk and Cantwell a committee, to join with a committee of your honorable House in an inquiry into the facts alleged in the remonstrance (directed particularly to your honorable House) complaining of undue practices at the last general election in Kent County. The Council, by the fifth section of the Constitution, are judges of the qualification and election of their own members, but not of the members of the House of Assembly ; and as the remonstrants address themselves particularly to your honorable House, the Council cannot think themselves bound thereby to scrutinize the election of their members.

Signed by order of Council.

Dover, October 28, 1779.

JOHN CLOWES, *Speaker*.

On motion of Mr. Polk, for the yeas and nays on the question whether the above message should be approved of by the Council or not, they are as follows, viz :

For the yeas—Mr. Collins, Mr. Patterson, Mr. Cantwell, Mr. Hyatt, Mr. Baning.

For the nays—Mr. Polk, Mr. Conwell.

Carried in the affirmative ; and thereupon

Ordered, That the said message be transcribed and sent, together with the said remonstrance and papers relative thereto, to the House of Assembly, by Mr. Patterson.

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The petition against forestalling and engrossing, &c., was read the first time.

Adjourned till to-morrow morning at 9 o'clock.

FRIDAY, A. M., October 29th, 1779.

The Council met. Present the same members as on yesterday.

Mr. Cantwell now reported the delivery of the papers committed to him, according to the order of yesterday.

On motion, by order,

The petition against engrossing and forestalling, &c., was read the second time and postponed for further consideration.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Bassett appeared in the Council.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair the order for transmitting a copy of the appointment of Stephen McWilliam to fill one of the vacant ensigncies

in the Delaware Regiment to the Board of War, &c., with the amendments proposed thereto by the Council acceded to by the House of Assembly, which was read, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
“ FRIDAY, P. M., October 29, 1779.

“ *Ordered*, That a copy of the appointment of Stephen Mc-
“ William to fill one of the vacant ensigncies in the Delaware
“ Regiment be made out and delivered to the President, and that
“ his Excellency be requested to transmit the same to the Board
“ of War, in order that a commission may issue to the said Ste-
“ phen McWilliam, to bear date the twenty-seventh day of this
“ instant.”

Ordered, That the same, with its amendments, be returned to the House of Assembly, with the concurrence of Council thereto, by Mr. Cantwell.

Who, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning, 10 o'clock.

SATURDAY, A. M., October 30th, 1779.

The Council met. Present the same members as on yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of Assembly, was admitted and presented to the Chair an answer from the House of Assembly to the message of the Council of the 28th instant.

The same member also delivered to the Chair a resolution of the House of Assembly for the payment of the expenses of the General Assembly, and also a resolution of that House respecting the adjournment of the General Assembly to the Town of Wilmington.

On motion, by order, the answer from the House of Assembly to the Council's message of the 28th inst. was read the first time.

On motion, by order,

The resolution for the payment of the expenses of the General Assembly was read the first time.

By special order the same was read the second time, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ SATURDAY, October 30, 1779.

“ WHEREAS the act of the General Assembly of this State, passed at Dover the twenty-sixth day of June, one thousand seven hundred and seventy-eight, making provision for defraying the reasonable expenses incurred by the General Assembly of this State, and also the Clerk of each House thereof, during the sessions of the same, and in coming thereto and going therefrom, is now expired ; and whereas the present increased prices of the necessaries of life will render the payment of the expenses incurred by the General Assembly at their present sessions very burthensome to the members thereof, if they are left to defray the same out of their private fortunes, and also be highly unreasonable, unjust, and contrary to the equitable opinion of the good people of this State ; therefore

“ *Resolved*, That the Speakers of the Council and House of Assembly of this State respectively be and they are hereby empowered to draw their respective orders on the Trustees of the Loan Offices of this State, or the State Treasurer, for the expenses incurred by each House at the present sessions, and the same shall be allowed on settlement of said Trustees' or Treasurer's accounts in the General Assembly, or their committee for that purpose to be appointed.

“ Extract from the minutes.

“ Sent for concurrence.

JAS. BOOTH,

Clerk of Assembly.”

On motion, by order,

The resolution of the House of Assembly for the adjournment of the General Assembly to the Town of Wilmington was read the first time.

By special order the same was read the second time, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ SATURDAY, P. M., October 30, 1779.

“ On motion,

“ *Resolved*, That the General Assembly of this State will meet
“ at the Town of Wilmington, in New Castle County, on the day
“ to which the present sessions may be adjourned, and there sit
“ to transact the public business.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

On motion of Mr. Bassett, for the yeas and nays on the question for now concurring in the above resolution, they are as follows, viz :

For the affirmative—Mr. Patterson, Mr. Cantwell, Mr. Conwell, Mr. Hyatt.

For the negative—Mr. Bassett, Mr. Collins.

Carried in the affirmative.

On motion for Mr. Bassett for leave of absence, the same was granted to him.

On motion, by order, the answer from the House of Assembly to the Council's message of the 28th instant was read the second time, and is as follows, viz :

“ *Gentlemen* :

“ That part of your message of the 28th instant, setting forth
“ that your House, for the dispatch of business and in compliance
“ with the request of the House of Assembly, did, on the 25th
“ instant, appoint Messrs. Polk and Cantwell a committee to join,
“ with a committee of this House, in an inquiry into the facts al-

“leged in the remonstrance complaining of undue practices at
“the last general election in Kent County, by not stating all the
“steps taken by the two Houses previous to the appointment of
“your members as above mentioned, impliedly, at least, reflects
“some degree of censure on this House, for it must be under-
“stood from your said message that the remonstrance you men-
“tion to be directed particularly to the House of Assembly was
“not delivered to your honorable House with the proposal (not
“request, as you are pleased to term it), but some time after the
“appointment aforesaid had taken place, the contrary of which
“you well know to be the fact. Your acquaintance with the
“title or address, as well as the contents of said remonstrance,
“might have furnished your House, in the first instance, with
“the reasons you appear at last to act upon.

“In answer to the other part of your message this House will
“only add, that they do not presume to dispute your power or
“right, under the section of the Constitution pointed out in your
“message, to judge of the qualification and election of your own
“members, and to determine what obligations you are under to
“scrutinize the election of such members; but we would suppose
“that every report to a House of Representatives ought to be
“considered and determined on, yet you certainly must deter-
“mine how binding that obligation is on your body:

“Signed by order of the House of Assembly.

“SIMON KOLLOCK, *Speaker*.

“Dover, October 30, 1779.”

And thereupon the following verbal message from the Council
to the House of Assembly was sent to the House of Assembly,
viz :

Gentlemen :

The Council are well disposed to give all the dispatch to the
public business in their power, and are sorry they find themselves
constrained, from the message just now received, to say, that it
is their duty in future to be more particular with respect to the
transacting business proposed by your House. The Council do
not conceive they have time presently to give your strange mes-
sage of this afternoon an answer, but flatter themselves they shall

do it hereafter in a manner satisfactory not only to themselves but to their constituents.

Ordered, That the said message and the two last preceding resolutions be delivered to the House of Assembly, by Mr. Cantwell, with the concurrence of the Council to the said resolutions respectively.

Mr. Cantwell reported the delivery thereof according to order.

Mr. Barratt, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly empowering the Speakers of the two Houses to draw their order on the State Treasurer in favor of George Craghead, Esquire, for two thousand dollars ; and also the resolutions of that House for continuing the embargo.

On motion, by order, the foregoing resolution empowering the Speakers of the two Houses to draw their order on the State Treasurer in favor of George Craghead, Esquire, &c., was read the first time.

By special order the same was read the second time, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ SATURDAY, October 30, 1779.

“ On motion,

“ *Resolved*, That the Speakers of the Council and House of
“ Assembly be and they are hereby empowered to draw their
“ order on the State Treasurer in favor of George Craghead,
“ Esquire, Clothier-General of this State, for two thousand dol-
“ lars, for which the said George Craghead is to be accountable
“ to the General Assembly.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The resolutions of the House of Assembly for continuing the embargo, &c., were read the first time.

By special order, the same were read the second time, concurred in, and are as follows, viz :

“IN THE HOUSE OF ASSEMBLY, October 30, 1779.

“WHEREAS an embargo, prohibiting the exportation of wheat, rye, flour, Indian corn, bread, beef, bacon, live stock, or any other provisions, hath been laid and continued from time to time within this State ; and whereas Congress have requested that the same may be still further continued ; therefore

“*Resolved*, That his Excellency, the President, be requested to issue his proclamation continuing the same until the first day of December next, strictly prohibiting the carrying out of this State live stock or pork, except for the use of the American army.

“*Resolved also*, That the President be authorized and empowered to grant such permission to persons living within this State to export so much grain or flour, in bottoms belonging to the inhabitants of the same, as to him may seem expedient, provided satisfactory security be given to him that the vessels so permitted to load and carry away as aforesaid do return and sell the cargoes by them imported to retailers and consumers within this State.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Clerk of Assembly.”

Ordered, That Mr. Conwell return the two last resolutions, with the concurrence of the Council thereto respectively, to the House of Assembly.

Mr. Conwell, being returned, reported the delivery thereof according to order.

Then the following accounts, brought in for the expenses of the Council and their Clerk during their present sessions, were allowed, viz :

To Samuel Patterson, Esq., as per account, No. 1, .	£	15	0	0
To Richard Cantwell, Esq., “ “ No. 2, .		8	0	0
To William Conwell, Esq., “ “ No. 3, .		13	10	0

Carried over, ... £ 36 10 0

<i>Brought over,</i>	£	36	10	0
To William Polk, Esq., as per account, No. 4, . .		8	5	0
To John Clowes, Esq., " " No. 5, . .		12	0	0
To Peter Hyatt, Esq., " " No. 6, . .		10	10	0
To Benjamin Vining, as Clerk of the Council, No. 7,		82	10	0
To Thomas North, as per account, No. 8, ...		15	15	0
To French Battell, " " No. 9, ...		13	17	8

£ 1482 18 0

Ordered, That the Speaker draw an order on the State Treasurer, for the said sum of £1482 : 18 : 0, in favor of French Battell.

Whereupon the said order was immediately drawn and signed by the Speaker.

Then the Council adjourned until Monday, the 29th day of November next, at the Town of Wilmington.

MINUTES OF COUNCIL.

DECEMBER, 1779.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, NOV.—DEC., 1779.

WILMINGTON, MONDAY, November 29, 1779.

At a meeting of the Council at the Town of Wilmington, in New Castle County, on Monday, the 29th day of November, in the year of our Lord one thousand seven hundred and seventy-nine, by adjournment, a sufficient number of the members to form a House not attending, the Council adjourned from day to day until Saturday, the fourth day of December, 1779.

SATURDAY, A. M., December 4th, 1779.

The Council met. Present the following members, viz :

For New Castle County—Samuel Patterson, Peter Hyatt, Richard Cantwell.

For Kent County—Richard Bassett, John Baning.

For Sussex County—The Honorable John Clowes, William Conwell.

The Council now took into consideration the answer from the House of Assembly, of the 30th of October, to a message from

the Council of the 28th of the same month, and a message, in answer thereto was drawn up at the table, and, by order, read. Deferred for further consideration.

Adjourned till Monday morning, 10 o'clock.

MONDAY, December 6th, 1779.

The Council met. Present the same members as on yesterday, except Mr. Bassett.

Ordered, That the minutes of this meeting be read.

Which was accordingly done ; and thereupon

Resolved, That this Council will meet punctually at ten o'clock in the morning and sit till one o'clock ; that they will meet again at three o'clock in the afternoon and sit not longer than six o'clock in the evening.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., December 7th, 1779.

The Council met. Present the same members as on yesterday, and also Messrs. Polk and Collins.

Messrs. Polk and Collins, in their respective places, made their excuses for their non-attendance at an earlier date in the sessions; which were admitted.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Stidham, a member of Assembly, was admitted and presented to the Chair a message from the President to the General Assembly, inclosing sundry acts of Congress, therein referred to, and the report of the committee of the House of Assembly to whom the said message and papers were referred.

On motion, by order,

The President's message, and its inclosures, were severally read, and the said message is in these words, viz :

"Gentlemen of the General Assembly :

"Since the last sitting of the Legislature I have received the following acts of Congress, which merit your attention, to wit :
"Two of the fourteenth of June last, one recommending to the State to exempt drivers of waggons from Militia duties while in service, the other for ascertaining their wages ; two of the twenty-third of July, one for regulating the Hide Department, the other for the better preservation of buildings and other property belonging to the United States ; one of the seventeenth of August, on the subject of further provisions for the army ; one of the twenty-first of the same month, on the subject of an embargo ; one of the twenty-fifth of the same month, against restrictions on the inland trade between the States ; and another of the tenth of September, for providing clothing for the troops ; and likewise, a circular letter from the President of Congress, dated the ninth instant, inclosing divers acts of Congress of the sixth and seventh, for supplying the Continental Treasury. All of which I have directed the Secretary to lay before your Honors, for your perusal and consideration.

"I beg leave to inform the General Assembly that since the expiration of the law for laying an embargo, I have, with the advice of the Privy Council and at the request of Congress, continued, from time to time, the prohibition contained in the said act, until such order therein may be taken by the Legislature as they may deem expedient.

“Its being acknowledged that a well-regulated Militia, composed of the substantial inhabitants, is the best security of a free State, and the inattention to the discharge of Militia duty by great numbers of the subjects of this State, induces me to recommend to your Honors’ consideration such amendments to the Militia law as may tend to answer the good purposes intended by the act.

“Gentlemen—The provision heretofore made for those in the exercise of civil government, from the present depreciated state of our currency, is so inadequate to the services enjoined them, that I fear, from the information given me by the Chief Justice, a general neglect of duty will take place, unless some further provision is made. I am therefore induced to recommend a matter so necessary to the safety and well-being of the State to your Honors’ serious consideration.

“Dover, October 22d, 1779.

CÆSAR RODNEY.”

On motion, by order,

The report of the committee of the House of Assembly on the above message and its inclosures, was read the first time.

On motion, by order,

The several reports of the Joint Committee of Public Accounts, of the 29th May and 5th June, 1779, were read the second time, and divers amendments were proposed and agreed to.

Ordered, That the said reports, and the public accounts and vouchers whereon the said reports were founded, with the transcribed amendments proposed thereto by the Council, be sent, by Mr. Conwell, to the House of Assembly.

Mr. Conwell reported the delivery thereof according to order.

Adjourned till to-morrow morning, 10 o’clock.

WEDNESDAY, A. M., December 8th, 1779.

The Council met. Present the same members as on yesterday.

On motion, by order,

The report of the committee appointed to state an account of expenditures by this State on behalf of the Continent, was read the second time, examined and agreed to.

Ordered, That the same be signed by the Speaker and sent to the House of Assembly by Mr. Baning.

Who, being returned, reported the delivery thereof.

On motion, by order,

The President's message of the 22d October last, and its inclosures, were read a second time, and the report of the committee of the House of Assembly thereon was also read a second time and agreed to.

Ordered, That Mr. Polk return the above message and its inclosures (except the act of Congress of the 19th November last respecting the regulation of prices) and the last mentioned report, to the House of Assembly, with the concurrence of the Council to the same report.

Mr. Polk, being returned, reported the delivery thereof according to order.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a "Bill to prevent forestalling and engrossing, and for other purposes therein mentioned."

On motion, by order,

The bill to prevent forestalling and engrossing, &c., was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

By special order, the bill to prevent forestalling and engrossing, &c., was read the second time and referred to the Speaker and Messrs. Collins and Patterson, to report thereon.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a resolution of that House for the appointment of a committee to settle and adjust the State Treasurer's accounts, which, by order, was read and concurred in, and is as follows, viz:

“ IN THE HOUSE OF ASSEMBLY,
“ WEDNESDAY, A. M., December 8, 1779.

“On motion,

“*Resolved*, That a committee of three be appointed to settle
“and adjust the accounts of the State Treasurer, and make
“their report forthwith. The members appointed on the part of
“this House are Mr. Vandyke and Mr. Barratt.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

And thereupon the Council appoint, on their part, Mr. Polk, to join with the said committee of the House of Assembly for the above purpose.

Ordered, That Mr. Conwell return the foregoing resolution, with the concurrence and appointment of the Council thereto, to the House of Assembly.

Mr. Conwell reported the delivery thereof according to order.

On motion of Mr. Polk, for leave to bring in a bill, by way of supplement to an act entitled “An act for the more easy and speedy recovery of small debts,” the same was granted; and a bill for that purpose being laid on the table, was, by order, read the first time.

Adjourned till Friday morning, 10 o'clock.

FRIDAY, A. M., December 10th, 1779.

The Council met. Present all the members, except Messrs. Baning, Bassett, and Paterson.

The committee to whom the bill to prevent forestalling and engrossing, &c., were referred, now reported sundry amendments to the same, which, by order, were read and agreed to.

Ordered, That the same be transcribed and sent, with the said bill, to the House of Assembly for concurrence, by Mr. Conwell.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Conwell now reported the delivery of the papers committed to him, according to order.

On motion, by order,

The bill, by way of supplement to an act entitled "An act for the more easy and speedy recovery of small debts," was read the second time and agreed to.

Ordered, That Mr. Polk wait on the House of Assembly with the said bill.

Mr. Polk reported the delivery thereof according to order.

Mr. Houston, a member of Assembly, was admitted and delivered to the Chair "A bill for the introducing economy in the purchasing supplies for the Army of the United States of America," which, by order, was read the first time.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., December 11th, 1779.

The Council met. Present the same members as on yesterday, and also Mr. Bassett.

On motion, by order,

The bill for the introducing economy in the purchasing supplies for the army, &c., was read the second time and referred to Messrs. Bassett, Collins and Polk, to report thereon.

On motion of Mr. Hyatt, for leave of absence till Monday afternoon next, the same was granted to him.

Mr. Adams, a member of Assembly, was admitted and delivered to the Chair the bill to prevent forestalling and engrossing, &c., with the amendments proposed thereto by the Council, partially disagreed to by the House of Assembly, and an amendment proposed by that House to the same bill.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee to whom the bill for introducing economy in the purchasing supplies for the army, &c., was referred, now reported divers amendments to the same, which, by order, were read and agreed to.

Ordered, That the said amendments be transcribed and sent, with the said bill, to the House of Assembly for concurrence, by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

The Council now took into consideration such of their amendments to the bill to prevent forestalling and engrossing, &c., as were disagreed to by the House of Assembly, and rescinded their first amendments, and proposed some amendments to the additional amendments proposed by the House of Assembly.

Mr. William Clark, a member of Assembly, was admitted and delivered the bill for the introducing economy in the purchasing supplies for the army, &c., with the amendments proposed thereto by the Council disagreed to in the whole by the House of Assembly.

Adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., December 13th, 1779.

The Council met. Present all the members, except Messrs. Banning, Patterson, and Hyatt.

The Council took into consideration the amendments proposed by them to the bill for introducing economy in the purchasing supplies for the army, &c., and disagreed to by the House of Assembly, and after some time spent thereon receded from the same.

Ordered, That the foregoing bill, and the bill to prevent forestalling and engrossing, &c., with their respective amendments, be returned, by Mr. Cantwell, to the House of Assembly, with the following message from the Council to the House of Assembly, viz :

Gentlemen :

The Council conceive the bills to prevent forestalling and engrossing, and for other purposes therein mentioned, and for introducing economy in the purchasing supplies for the Army of the United States of America, to be very useful and important in their nature, and do not view the amendments proposed by them and rejected by you of such consequence as to delay the passage of them ; therefore, rather than they should be delayed,

the Council recede from their proposed amendments, but farther beg leave to observe, that with respect to their last amendment proposed to the bill for introducing economy in the purchasing supplies, &c., they are still strongly impressed with an idea of the propriety and usefulness of the said amendment; for that it appears to them that one great design of the said bill is that the officers under it should not make use of the public money for their own private emolument or advantage, and that the solemn oath of the party to that purpose they consider a stronger tie, and more likely to prevent a breach of the law in that instance than any other thing. The Council would therefore wish your honorable House would reconsider the said amendment, and, if it should appear in the same point of view to you as it does to them, make no doubt but you will readily accede to the same.

Signed by order of the Council,

JOHN CLOWES, *Speaker.*

Wilmington, December 13, 1779.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Cantwell now reported the delivery of the papers committed to him according to order.

Messrs. Patterson and Hyatt appeared in the Council.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, December 14th, 1779.

The Council met. Present all the members, except Mr. Baning.

On motion of Mr. Bassett, for leave to bring in a bill, by way of supplement to an act for making perpetual a former act entitled "An act for the amending the laws relating to testamentary affairs, and for the better settling intestates' estates, &c.," the same was granted, and a supplement for this purpose being laid on the table, was, by order, read the first time.

Mr. Bryan, a member of Assembly, was admitted and returned to the Chair the supplementary bill to the act for the more easy and speedy recovery of small debts, with divers amendments proposed thereto by the House of Assembly.

The same member also presented to the Chair an address from the officers of the Delaware Regiment, and two addresses from the Clothier-General, of the 11th and 14th instant, with a resolution of the House of Assembly for the payment of fifteen thousand pounds to the Clothier-General, to be by him applied in completing the clothing allowed to the officers of the Delaware Regiment.

An account of William McKennan, a lieutenant in the Delaware Regiment, was also presented to the Chair by the same member, with a resolution of the House of Assembly for the payment of sixty-two pounds eleven shillings and three pence, in discharge of his said account.

The same member also delivered to the Chair the following message from the House of Assembly, viz :

"Gentlemen :

"The House of Assembly have appointed Messrs. Stidham, Cook, and Collings to view and report the situation and condition of the barracks and works at the fort on Christiana Creek, and propose to you the appointment of a committee of your body to join them in that business, if your honorable House think the same necessary."

On motion, the supplementary bill to the act for the more easy and speedy recovery of small debts, and the amendments proposed thereto by the House of Assembly, were read the first time.

On motion, by order, the address of the officers of the Delaware Regiment was read.

On motion, by order,

The several addresses of the Clothier-General of this State, containing an estimate of the monies necessary to carry into execution the resolves of the General Assembly for clothing for the officers of the Delaware Regiment, and the resolution of the House of Assembly, for the payment of fifteen thousand pounds to the Clothier-General, founded thereon, were read the first time.

By special order the said resolution was read the second time and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ A. M., December 14th, 1779.

“ *Resolved*, That an order be drawn by the Speakers of both “ Houses on the State Treasurer, for the sum of fifteen thousand “ pounds, in favor of George Craghead, Esq., Clothier-General “ of this State, to be by him applied in completing the clothing “ allowed to the officers of the Delaware Regiment, and the sur- “ plus thereof, if any, in procuring the monthly supplies allowed “ to the said officers, in addition to the fourteen hundred pounds “ quarterly heretofore granted by the General Assembly for fur- “ nishing the said supplies ; the said George Craghead to be ac- “ countable for the expenditure of the said sum.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The account of William McKennan was read, considered and allowed, and the resolution of the House of Assembly for the payment of the same was also read the first time.

By special order the same was read the second time and concurred in, and is in these words, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ TUESDAY, P. M., December 14, 1779.

“An account of William McKennan, a lieutenant in the Delaware Regiment, was presented to the Chair, and, by order, read.

“*Resolved*, That the Speakers of both Houses draw an order on the State Treasurer, for the sum of sixty-two pounds eleven shillings and three pence, in favor of Lieutenant McKennan, in discharge of his said account.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Ordered, That the foregoing, account, the several before-mentioned addresses of the officers of the Delaware Regiment, and of the Clothier-General, and the resolutions founded thereon, with the concurrence of the Council thereto, be returned, by Mr. Polk, to the House of Assembly, with the following verbal message from the Council, viz :

Gentlemen :

The Council have agreed to your proposal of appointing a committee, to join your committee, to view and report the situation and condition of the barracks and works at the fort on Christiana Creek ; and thereupon

Resolved, That Messrs. Peter Hyatt and William Conwell be a committee, to join your committee, for the purpose aforesaid.

Mr. Polk reported the delivery of the papers committed to him according to order.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., December 15th, 1779.

The Council met. Present the same members as on yesterday.

The Council now took into consideration the amendments proposed by the House of Assembly to the supplementary bill for the more easy and speedy recovery of small debts, and agreed thereto.

Ordered, That the said bill and its amendments be sent to the House of Assembly by Mr. Collins.

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The supplementary bill for making perpetual a former act entitled "An act for the amending the laws relating to testamentary affairs, &c.," was read the second time.

By special order the same was read a third time by paragraphs, debated, and agreed to.

Ordered, That the same be transcribed and sent to the House of Assembly by Mr. Bassett.

The supplementary bill for the more easy and speedy recovery of small debts was returned by the Clerk of the House of Assembly. *Ordered* to be engrossed.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Baning appeared in the Council and took his seat.

Mr. Bassett now reported the delivery of the papers committed to him, according to order.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., December 16, 1779.

The Council met. Present all the members.

On motion, by order,

The supplement to an act entitled "An act for the more easy and speedy recovery of small debts," being engrossed, was read and compared.

On motion of Mr. Bassett for leave of absence until Monday next, the same was granted to him.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair the report of the joint committee of June 5th, 1779, with the amendments proposed thereto by the Council, disagreed to in the whole by the House of Assembly.

The same member also delivered the report of the joint committee of the 29th May, 1779, with the amendments proposed by the Council, acceded to in the whole by the House of Assembly.

The same member also delivered a petition from Geo. Adams, setting forth that he is an inhabitant of that part of Sussex County which formerly belonged to Maryland, and praying leave to bring in a bill for his relief in extending to his particular case an act of Assembly of the Delaware State authorizing the removal of all proceedings out of the courts of law in Maryland into the courts of law in this State, &c., with a bill for amending an act entitled "A supplementary act to the act entitled 'An act for the more

effectual ascertaining and fixing the limits of the several Counties within this Government, &c.,” and the following message, viz :

“A MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE COUNCIL.

“*Gentlemen :*

“The House of Assembly have taken into consideration your amendments proposed to the report of the Joint Committee of Accounts of the fifth day of June, 1779, and are unable to discover the reasons which induced your honorable House to propose the first, unless the difference between the charge therein and the sum in the voucher, being six pounds seven-
“teen shillings and five pence, should have caused such amendment ; if so, it is equal to that difference. But this House is informed by their committee that the committee received satisfaction thereon from Mr. Carty, who attended them at the time of examination.

“As to the second amendment—this House are persuaded it was the intention of the Assembly, at the time of passing said account, to allow Mr. Watson equal for his service to the allowance made in like cases to the Sheriffs of Kent and New Castle Counties, and also are of opinion that that has, in that instance, been done.

“No answer is necessary to your third amendment, more than to observe that it is consequent on the other two.

“Signed by order of the House of Assembly.

“SIMON KOLLOCK, *Speaker*.

“Wilmington, December 15, 1779.”

The Council now reconsidered the amendments proposed by them to the report of the Joint Committee of Accounts of the 5th of June, 1779, and disagreed to by the House of Assembly, and after some time spent thereon receded from their said amendments.

Ordered, That the said report and amendments be returned to the House of Assembly by Mr. Cantwell.

Who reported the delivery thereof according to order.

On motion, by order,

The petition of George Adams, and the bill for amending an act entitled "A supplementary act to the act entitled 'An act for the more effectual ascertaining and fixing the limits of the several Counties within this Government, &c.,'" were severally read the first time.

By special order the same were read the second time and referred to Messrs. Collins and Polk, to report thereon.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, A. M., December 17th, 1779.

The Council met. Present all the members, except Mr. Bassett.

Mr. Bryan, a member of Assembly, was admitted and laid before this House the sum of £134 : 1 : 4, being the two-thirds part of a debt due to Joseph Gregg by Daniel Cloud, which, by the tender of the same by the said debtor to the administratrix of the said Joseph Gregg and her refusal thereof, became forfeited to the State, agreeable to an act of General Assembly, passed the 22d of February, 1777, for establishing the Bills of Credit issued by Congress, &c., with a certificate of the commission of administration to the said administratrix, the deposition of two witnesses, proving the tender and refusal aforesaid, and a resolution of the House of Assembly for the payment of the said sum into the State Treasury by the County Treasurer.

On motion, by order, the above papers were read the first time.

By special order the same were read the second time and referred to Messrs. Collins and Patterson, to report thereon.

The committee to whom the petition of George Adams and the bill for amending an act entitled "A supplementary act to the act entitled 'An act for the more effectual ascertaining and fixing the limits of the several Counties within this Government, &c.,'" were referred, now reported that they had examined and con-

sidered the said petition and bill, and had agreed to the said bill ; which said report was approved of, and the bill passed the Council.

Ordered, That Mr. Polk return the said petition and bill to the House of Assembly.

Mr. Polk reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion of Mr. Polk, for leave to bring in a "Bill more effectually to prevent non-jurors and other disqualified persons from voting at any election within this State, and for other purposes therein mentioned," the same was granted, and a bill for this purpose being laid on the table, was, by order, read the first time.

By special order, the same was read the second time and referred to Messrs. Hyatt, Collins and Patterson, to report thereon.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., December 18th, 1779.

The Council met. Present the same members as on yesterday.

The committee to whom the resolution of the House of Assembly for the payment of one hundred and thirty-four pounds one shilling and four pence (and the papers attending the same) into the State Treasury, was referred, now reported that they had examined and considered the above mentioned papers, and were satisfied as to the legality of the tender made by the said debtor ;

whereupon the said resolution was concurred in by the Council, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,
“THURSDAY, P. M., December 16, 1779.

“Robert Bryan, Esq., Treasurer of New Castle County, laid before the House one hundred and thirty-four pounds one shilling and four pence, being the two-thirds part of a debt due to Joseph Gregg by Daniel Cloud, and tendered by the said debtor to the administratrix of the said Joseph Gregg, which, upon refusal thereof, became forfeited to the State, agreeable to an act of General Assembly, passed the 22d day of February, 1777, for establishing the Bills of Credit issued by Congress, &c.

“*Resolved*, That the said Treasurer be directed to pay the aforesaid sum into the hands of the State Treasurer.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

Ordered, That Mr. Cantwell return the foregoing resolution, concurred in by the Council, with the money and papers accompanying the same, to the House of Assembly.

Mr. Cantwell reported the delivery of the above according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., December 20th, 1779.

The Council met. Present the same members as on Saturday last.

Some of the members attending on committees, the Council adjourned till three o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee to whom the bill to prevent non-jurors and other disqualified persons from voting at an election within this State, now requested a further time to consider and report thereon, which was granted.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair a bill for raising one million three hundred and sixty thousand dollars in the Delaware State, between the first day of February and the first day of October in the year one thousand seven hundred and eighty, and for other purposes therein mentioned, which, by order, was read the first time.

Mr. West, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for nominating persons to be balloted for as Delegates to the Congress, and also as Purchasers for the Army of the United States, which, by order, was read the first time.

On motion, by order,

The bill for raising one million three hundred and sixty thousand dollars, &c., was read the second time and referred to the Speaker and Messrs. Collins and Cantwell, to report thereon.

On motion, by order,

The resolution for nominating persons to be balloted for as Delegates to Congress, &c., was read a second time, and an amendment was proposed and agreed to.

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence, by Mr. Polk, together with the foregoing resolution.

Mr. Polk, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., December 21, 1779.

The Council met. Present the same members as on yesterday.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a resolution for the appointment of committees for settling the accounts of the several General Loan Offices.

The same member also delivered the resolution for nominating persons to be balloted for as Delegates to the Congress, &c., with the amendment proposed thereto by the Council rejected by the House of Assembly, and an amendment proposed by that House to the said resolution.

The committee appointed on the part of the Council to view and report the situation of the barracks and works at the fort on Christiana Creek, now delivered their report at the table, which, by order, was read the first time.

The Council now took into consideration the amendment proposed by them to the resolution for nominating persons to be balloted for as Delegates to Congress, &c., and rejected by the House of Assembly, and also the amendment proposed by that House to the said resolution, and thereupon the Council receded from their own amendment, and agreed to the amendment proposed by the House of Assembly.

Ordered, That Mr. Hyatt return the said resolution and its amendments to the House of Assembly.

Mr. Hyatt, being returned, reported the delivery thereof according to order.

On motion, by order,

The resolutions of the House of Assembly for the appointment of committees for settling the accounts of the several General Loan Offices were read the first time.

By special order the same were read the second time and concurred in, and are as follows, viz :

“IN THE HOUSE OF ASSEMBLY, December 20th, 1779.

“WHEREAS the committees heretofore appointed to settle and
“adjust the accounts of the General Loan Offices for the Counties of New Castle and Kent have not proceeded in that business ; therefore

“*Resolved*, That a committee of three persons in each of the
“said Counties be appointed to settle and adjust the accounts
“of the said offices in the Counties aforesaid respectively, who
“are hereby directed to settle and adjust the said accounts from
“the time of the settlement made by Messrs. McKinly, Read,
“Killen, Haslet, and Robinson, a committee of Assembly for
“the purpose, and make report thereof to the General Assembly
“this State at their next meeting.

“AND WHEREAS the late committee appointed for the like service in the County of Sussex have not proceeded therein,

“*Resolved*, That a committee of three be appointed to settle
“and adjust the accounts of the General Loan Office for the said
“County of Sussex.

“The members chosen, on the part of this House, are, for
“New Castle County, John Clark and Robert Bryan, Esquires ;
“for Kent County, Philip Barratt and John Cook, Esquires ; and
“for the County of Sussex, Simon Kollock and Joseph Hall, Esquires.

“*Resolved*, That the committees respectively be directed to

“report the sums of money in specie and paper which are in the
“said offices.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

And thereupon the Council, on their part, have nominated the following persons to join the committee of the House of Assembly, to wit: For New Castle County, John Thompson, Esq.; for Kent County, John Baning, Esq.; and for the County of Sussex, John Clowes, Esq.

JOHN CLOWES, *Speaker.*

Ordered, That Mr. Baning return the said resolution, with the concurrence and appointment of the Council thereto, to the House of Assembly.

Mr. Latimer, a member of Assembly, waited on the Council and informed them that the House of Assembly were ready to receive them and proceed to put in nomination persons to be balloted for as Delegates to Congress and Purchasers for the Army within this State, according to the order of the day.

The Council then met the House of Assembly, in the Assembly Room, and then and there put in nomination for the said offices divers persons, whose names were taken down for the consideration of the members of both Houses.

On motion,

Resolved, That the General Assembly now separate, and meet again, in the Assembly Room, to-morrow morning at 10 o'clock, to ballot for the officers aforesaid.

Then the Council withdrew, and adjourned till three o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Baning now reported the delivery of the papers committed to him, according to order.

The committee appointed to report on the bill for raising one million three hundred and sixty thousand dollars, now reported divers amendments to the said bill, which, by order, were read, agreed to, and ordered to be transcribed.

Ordered, That Mr. Patterson return the said bill and transcribed amendments to the House of Assembly for concurrence.

Mr. Patterson reported the delivery according to order.

The committee to whom the bill to prevent non-jurors and other disqualified persons from voting at any election within this State, was referred, having considered the same, now reported it as their opinion that the said bill should be rejected, and further prayed leave to bring in a new bill, in lieu thereof, which was granted; whereupon a bill entitled "An act for the better securing elections within this State," was laid on the table.

On motion, by order, the said bill was read the first time.

By special order, the same was read the second time and deferred for consideration.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., December 22d, 1779.

The Council met. Present the same members as on yesterday.

Mr. Houston, a member of Assembly, was admitted and presented to the Chair an account of Charles Ridgely, Esq., of cash paid for wood and house rent for eight Continental soldiers under the command of Lieutenant Skillington, amounting to forty-five pounds ; which, by order, was read and allowed.

Ordered, That Mr. Baning return the said account to the House of Assembly.

Who, upon his return, reported the delivery thereof according to order.

Mr. Latimer, a member of Assembly, waited on the Council and informed them that the House of Assembly were ready to receive the Council and proceed to the balloting for persons as Delegates to Congress and Purchasers for the Army within this State, agreeable to the order of the day.

Then the Council met the House of Assembly, in the Assembly Room, and proceeded to ballot for the officers aforesaid out of the persons before put into nomination, and upon examining the box containing the ballots it appeared that John Dickinson, Nicholas Vandyke, and George Read, Esquires, were declared duly elected Delegates from this State to the Congress of the United States for the ensuing year ; and Thomas Duff, Esq., was declared duly elected Purchaser for the Army of the said United States for and in the County of New Castle ; John Cook, Esq., was declared duly elected Purchaser for the said Army for and in the County of Kent ; and Simon Kollock, Esq., was declared duly elected Purchaser for the said Army for and in the County of Sussex.

Then both Houses separated, and the Council adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Bassett attended, and made his excuse for his non-attendance at an earlier day, which was admitted.

Mr. Young, a member of Assembly, was admitted and delivered to the Chair a supplementary act to the Militia act ; which, by order, was read the first time.

Mr. John Clark, a member of Assembly, was admitted and delivered to the Chair a bill for the appointment of Trustees of the several General Loan Offices.

On motion, by order, the said bill was read the first time.

On motion, by order,

The supplementary bill to the Militia act was read a second time and referred to Messrs. Bassett, Polk and Collins, to report thereon.

On motion, by order,

The bill for the appointment of Trustees of the several General Loan Offices was read the second time and referred to Messrs. Cantwell, Patterson and Conwell, to report thereon.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., December 23, 1779.

The Council met. Present the same members as on yesterday.

The committee to whom the bill for the appointment of Trustees of the several General Loan Offices was referred, now reported an amendment to the same ; which was read and agreed to.

Ordered, That Mr. Conwell wait on the House of Assembly with the said bill and transcribed amendments.

Who, being returned, reported the delivery thereof according to order.

The committee to whom was referred the supplementary bill to the Militia act, now reported some amendments to the same ; which, by order, were read, agreed to, and ordered to be transcribed.

Ordered, That the said bill and amendments be sent for concurrence to the House of Assembly, by Mr. Baning.

Who reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met. Present the same members, except Mr. Bassett.

On motion, by order,

The report of the committee of Council appointed to view and report the situation of the barracks and works on Christiana Creek, in conjunction with a committee of the House of Assembly, was read a second time and adopted, and is as follows, viz :

The committee which was appointed to join the committee of the House of Assembly to view the guard house, magazine and works on Christiana Creek, near the Borough of Wilmington, now report that they had viewed the same, and are of opinion there is not any necessity for keeping them in repair ; therefore recommend that, as the barracks and wood part of the magazine are useless and going to ruin, they ought to be sold for the benefit of the State.

On motion,

Resolved, That Mr. Joseph Stidham be and he is hereby empowered to make public sale of the wood part of said works, and

that he make return of his proceedings in the premises to the General Assembly at their next meeting.

Ordered, That Mr. Cantwell deliver the foregoing report and resolution to the House of Assembly for concurrence.

Mr. Cantwell reported the delivery thereof according to order.

Mr. Bryan, a member of Assembly, was admitted and delivered to the Chair the bill for the appointment of Trustees of the General Loan Offices, with the amendments proposed thereto by the Council acceded to by the House of Assembly, and a proposition of that House for filling up the blanks for the Trustees' names in the said bill.

The same member also delivered a letter from the President of Congress to the President of this State, of the 22d November, inclosing an act of Congress of the 19th of the same month, recommending to the several States to enact laws for establishing a general limitation of prices throughout their respective jurisdictions; the proceedings of the convention of New Hampshire, Massachusetts Bay, &c.; and a letter from the President of the said convention to the President of this State on the same subject, with a resolution of the House of Assembly for the appointment of Commissioners to attend a convention at Philadelphia for the purposes mentioned in the said resolution of Congress.

The same member also delivered to the Chair a bill to prohibit the exportation of provisions from this State.

The same member also delivered the resolution of the House of Assembly empowering the Speakers of both Houses to draw an order for the payment of the Militia.

The same member also delivered a resolution of the House of Assembly for the payment of the monies which have arisen from the sale of forfeited estates into the State Treasury.

The same member also delivered a resolution of the House of Assembly for appointing an Auditor General of Accounts.

On motion, by order,

The foregoing letters, the act of Congress, and the proceedings of the convention of Massachusetts Bay respecting a general limitation of prices, were read.

On motion, by order,

The resolution for the appointment of Commissioners to attend a convention in Philadelphia in order to consider on the expediency of a general limitation of prices, was read the first time.

By special order, the same was read the second time and deferred for consideration until to-morrow morning.

On motion, by order,

The proposition for filling up the blanks in the bill for the appointment of Trustees of the General Loan Offices, was read the first time.

On motion, by order,

The resolution empowering the Speakers of both Houses to draw orders for the payment of the Militia, was read the first time.

By special order, the foregoing resolution was read a second time and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“THURSDAY, A. M., December 23d, 1779.

“On motion,

“*Resolved*, That the Speakers of both Houses of the General Assembly draw an order on the Trustee of the General Loan Office for the County of Sussex, in favor of John Clowes, of the said county, Esq., for the sum of one thousand two hundred pounds, out of any public monies in the said office, except principal money emitted to be let out on loan, to be applied by the said John Clowes in discharging a balance due to the Militia of the said County of Sussex; the said John Clowes to be accountable for the expenditure thereof, and to render an account of his proceedings in the premises to the General Assembly at their next meeting.

“That the Speakers of both Houses also draw an order on the State Treasurer, for the sum of three thousand six hundred pounds, in favor of Philip Barratt, of the County of Kent, Esq., to be by him applied in discharging the debts heretofore agreed by the General Assembly due to the Militia of the said County

“ of Kent ; the said Philip Barratt to be accountable for the expenditure thereof, and to render an account of his proceedings in the premises to the General Assembly at their next meeting.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The resolution for the payment of the monies arising from the sale of forfeited estates into the State Treasury, was read the first time.

By special order, the same was read a second time and deferred for consideration until to-morrow morning.

On motion, by order,

The resolution for the appointment of an Auditor General of Accounts, was read the first time.

By special order, the same was read the second time and deferred for consideration until to-morrow morning.

On motion, by order,

The bill to prohibit the exportation of provisions, was read the first time.

By special order, the same was read the second time and referred to Messrs. Collins, Polk and Patterson, to report thereon to-morrow morning.

Adjourned till to-morrow morning.

FRIDAY, A. M., December 24th, 1779.

The Council met. Present all the members.

The Council took into consideration the resolution for the payment of the monies arising from the sale of forfeited estates into the State Treasury, and an amendment was proposed and agreed to.

Ordered, That Mr. Conwell return the said resolution and amendment to the House of Assembly for concurrence, with the resolution empowering the Speakers to draw orders for the payment of the Militia concurred in by the Council.

Mr. Conwell reported the delivery thereof according to order.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a resolution of that House directing the Speakers of both Houses to inform the persons chosen Delegates from this State to Congress of their appointment, and request their answer as to their acceptance of the said appointment.

On motion, by order, the foregoing resolution was read the first time.

By special order, the same was read a second time and concurred in, and is in these words, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ FRIDAY, A. M., December 24th, 1779.

“ On motion,

“ *Resolved*, That the Speakers of the Council and House of
“ Assembly be requested to give information to Messrs. Dickinson and Read of their appointment, by the General Assembly,
“ to represent this State as Delegates in the Congress of the
“ United States of America, and request their answer.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Ordered, That Mr. Patterson return the foregoing resolution, concurred in by the Council, to the House of Assembly.

Mr. Patterson, being returned, reported the delivery thereof according to order.

Mr. Cook, a member of Assembly, was admitted and delivered the resolution for the payment of the monies arising from the sale of forfeited estates, &c., with the amendments proposed thereto by the Council acceded to by the House of Assembly; and the said resolution, as amended, was read and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ WEDNESDAY, A. M., December 22, 1779.

“ On motion,

“ *Resolved*, That the Commissioners of Forfeited Estates be
“ directed forthwith to pay into the hands of Samuel Patterson,
“ Esq., the Treasurer of this State, the balance of the money
“ which has arisen by the sale of those estates by them made,
“ after deducting their commissions and the sums ordered by the
“ Justices of the Courts of Quarter Sessions for the maintenance
“ and support of the wives and children of the persons who have
“ forfeited the same, and the debts against said estates, if any;
“ and that the said commissioners be directed to attend the Gen-
“ eral Assembly, at their next meeting, to render an account of
“ their proceedings in the premises.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Ordered, That Mr. Baning deliver the same to the House of Assembly, with the concurrence of the Council thereto.

Mr. Baning reported the delivery thereof according to order.

The Council took into consideration the resolution respecting the appointment of an Auditor General of Accounts, and an amendment was proposed and agreed to.

Ordered, That the same be transcribed and sent, with the said resolution, to the House of Assembly, for concurrence, by Mr. Hyatt.

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The proposition for filling up the blanks in the bill for the appointment of Trustees of the several Loan Offices was read a second time, and Mr. Bassett moved that the name of John Rodney, Esq., of the County of Sussex, should be inserted in the stead of David Hall, Esq.; and the same being seconded, the question was put and carried in the negative.

Mr. Collins then required the yeas and nays on the above question. They are as follows, viz :

For the question—Mr. Collins, Mr. Bassett, Mr. Patterson, Mr. Banning.

Against the question—Mr. Polk, Mr. Conwell, Mr. Cantwell, Mr. Hyatt.

The Council being divided, the Speaker gave the casting voice.

Ordered, That Mr. Polk return the foregoing bill and proposition, agreed to by the Council, to the House of Assembly.

Mr. Polk, being returned, reported the delivery of the foregoing papers according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee to whom the bill to prohibit the exportation of provisions was referred, now reported sundry amendments to the same ; which, by order, were read, considered, and debated, and the same not being agreed to, the said bill was recommitted to the same committee, with the addition of Mr. Bassett.

The Council now took into consideration the resolutions of the

House of Assembly for the appointment of Commissioners to attend a convention in Philadelphia to deliberate on the expediency of a general limitation of prices throughout the jurisdiction of the respective States, and proposed some amendments thereto; which were read, agreed to, and ordered to be transcribed.

Ordered, That the said resolutions and proposed amendments be sent for concurrence to the House of Assembly, by Mr. Collins.

Who, being returned, reported the delivery thereof according to order.

Mr. Collings, a member of Assembly, was admitted and presented to the Chair a letter addressed from George Read, Esq., declining his acceptance of his appointment as one of the Delegates from this State to Congress; and also the letter of resignation of George Craghead, Esq., of his appointment of Commissary-General of Prisoners for this State, with resolutions of the House of Assembly for nominating persons to be balloted for to supply the places of George Read, Esq., as a Delegate from this State to Congress, and of George Craghead, Esq., as Commissary-General of Prisoners for this State.

Mr. Stidham, a member of Assembly, was admitted and delivered to the Chair a bill for amending the laws for establishing fees.

On motion, by order, the foregoing letter from George Read, Esq., and the resignation of George Craghead, Esq., were severally read.

On motion, by order,

The resolutions for nominating persons to be balloted for as a Delegate to represent this State in Congress in the room of George Read, Esq., and a Commissary-General of Prisoners in the room of George Craghead, Esq., were read the first time.

By special order, the same were read a second time and concurred in, and are as follows, viz :

“IN THE HOUSE OF ASSEMBLY, 24th Feb., P. M., 1779.

“On motion,

“*Resolved*, That the General Assembly meet this evening at

“seven o’clock, in the Assembly Room, for the purpose of nominating persons to be balloted for as a Delegate to represent this State in Congress in the place of George Read, Esq., who has declined to serve.

“On motion,

“*Resolved*, That the resignation of George Craghead, Esq., of the appointment of Commissary-General of Prisoners for this State, signified to the General Assembly by his letter of the twentieth of October last, be accepted, and that proper persons be nominated at the time aforesaid to be balloted for to supply his place.

“Extract from the minutes.

GEO. LATIMER,

“Sent for concurrence.

Cl’k pro temp’.”

Ordered, That Mr. Polk return to the House of Assembly the foregoing resolutions, concurred in by the Council, with the letters addressed from George Read and George Craghead, Esquires.

Mr. Polk, being returned, reported the delivery thereof according to order.

On motion, by order,

The bill for the amending the laws for establishing fees was read the first time.

Mr. Latimer, a member of Assembly, was admitted and informed the Council that the House of Assembly were ready to receive them to put in nomination persons to represent this State in Congress in the room of George Read, Esq., who hath declined to serve, and also for a Commissary-General of Prisoners in the room of George Craghead, Esq., who hath resigned his appointment.

The Council now met the House of Assembly, in the Assembly Room, to put in nomination persons for each of the said offices, when one person only for each of the said appointments was put in nomination.

On motion,

Resolved, That as but one person for each of the said appointments is put in nomination, the General Assembly proceed to ballot for the same forthwith.

The General Assembly then proceeded to ballot for the said officers, and the box containing the ballots being examined in the presence of the members, it appeared that the Honorable Thomas McKean, Esquire, was declared unanimously elected a Delegate from this State to Congress in the room of George Read, Esq., who hath declined to serve; and that Major Henry Fisher was declared unanimously elected Commissary-General of Prisoners for this State in the place of George Craghead, Esq., who hath resigned.

On motion,

Resolved, That the two Houses now separate.

Then the Council withdrew.

On motion, by order,

The bill for the amending the laws for establishing fees was read a second time and referred to the Speaker and Messrs. Bassett and Patterson, to report thereon to-morrow morning.

The Council now took into consideration their message in answer to an answer from the House of Assembly of the 30th October last to a message from the Council of the 28th of the said month, and the same was agreed to.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., December 25th, 1779.

The Council met. Present the same members as on yesterday.

Mr. Clark, a member of Assembly, was admitted and delivered to the Chair the resolutions of the House of Assembly for the appointment of Commissioners to attend a convention in Philadelphia for fixing a general limitation of prices, and the resolution for the appointment of William Killen, Esq., Auditor General of Accounts, with the amendments to the said resolutions acceded to by the House of Assembly.

On motion, by order, the foregoing resolutions were severally read, as amended, and concurred in, and are as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ TUESDAY, P. M., December 21, 1779.

“ On motion,

“ *Resolved*, That Commissioners be appointed on the part of
“ this State, by a joint resolution of the General Assembly
“ thereof, to meet Commissioners from the States of New Hamp-
“ shire, Massachusetts Bay, Rhode Island, Connecticut, New
“ York, New Jersey, Pennsylvania, Maryland and Virginia, in
“ convention at Philadelphia on the first Wednesday of January
“ next, then and there to unite with them in considering the ex-
“ pediency of limiting the prices of merchandise, produce and
“ labor ; and if the said convention judge such a measure neces-
“ sary, to proceed with them to limit the prices of the said arti-
“ cles in such manner as shall be best adapted to the situation
“ and circumstances of the several States ; and that they make
“ report of the proceedings of the said convention to the Legis-
“ lature of this State at their next meeting.

“ That the Delegates from this State to Congress and George
“ Latimer, of the County of New Castle, Esq., or any two of
“ them, be and are hereby appointed Commissioners on the part
“ of this State for the purposes aforesaid.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

“ IN THE HOUSE OF ASSEMBLY,
“ THURSDAY, P. M., December 23, 1779.

“ WHEREAS the present mode of stating and settling the
“ accounts which arise against this State and the accounts be-
“ tween this State and the United States of America, is found to
“ be very inconvenient and expensive ; therefore

“ *Resolved*, That William Killen, of Kent County, Esq., be
“ and hereby is appointed for the purpose aforesaid, to whom all
“ the accounts aforesaid are hereafter to be delivered, with their
“ vouchers, which are to be by him properly stated and laid be-
“ fore the General Assembly at their next or some other subse-

“quent meeting, for their consideration and inspection; who shall, for his trouble in doing and performing the above mentioned service, be allowed the sum of one thousand pounds.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

The committee to whom was referred the bill for establishing fees, now reported sundry amendments thereto; which, by order, were read the first time.

By special order, the same were read the second time, agreed to, and ordered to be transcribed.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That Mr. Baning return to the House of Assembly the foregoing bill for establishing fees, with the amendments proposed thereto by the Council.

Mr. Baning reported the delivery thereof according to order.

The committee to whom the bill to prohibit the exportation of provisions was referred, now made their report thereon, that the said bill should be rejected, and brought in another bill for the purpose aforesaid; which, by order, was read the first time.

By special order, the same was read the second time.

The same was read a third time by paragraphs, agreed to, and ordered to be transcribed.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the bill for amending the laws for establishing fees, &c., with the amendments proposed thereto by the Council disagreed to in part and in part agreed to, together with an additional paper of amendments proposed by the House of Assembly to the said bill.

Ordered, That Mr. Cantwell wait on the House of Assembly with the bill to prohibit the exportation of provisions, as rejected by the Council, and another bill proposed in lieu thereof by the Council; the resolutions of the House of Assembly for the appointment of Commissioners to attend a convention in Philadelphia for fixing a general limitation of prices, and also the resolution for the appointment of an Auditor General, with the concurrence of the Council respectively thereto.

Mr. Cantwell, being returned, reported the delivery thereof according to order.

On motion, the Council took into consideration the amendments proposed by them to the bill for the amending the laws for establishing fees, and the additional paper of amendments proposed to the same bill by the House of Assembly, and the same being considered and debated, the Council adhered to their amendments, and agreed that a message, stating the reasons of their adherence, should be sent to the House of Assembly; whereupon the following was accordingly drawn up at the table, read, and ordered to be transcribed, viz :

Gentlemen :

The Council adhere to their amendments proposed to the bill for amending the laws for establishing fees, and of course reject your additional amendments, and are extremely sorry they find themselves constrained so to do. The reasons inducing the Council to adhere to their amendments, among many others that might be advanced, are, that they conceive, whenever it is thought necessary by the Legislature to increase officers' fees, that it ought to be general and not partial, which, they apprehend, would be the case were they to recede from their amendments proposed and give a passage to the bill. The Council are fully convinced of the necessity of such a bill, and therefore would willingly give up any matter, rather than that it should be lost, that was consistent with their idea of justice. But they humbly conceive it would argue partiality in them, at the same time they are providing for other officers of less consequence not to provide for the officers filling the several Courts of Common Pleas and Orphans' Courts in this State, when, in their opinion, those officers are as necessary, and those courts rather of more consequence than any others in the State. We could wish your

honorable House would reconsider the amendments proposed, and if the same idea should impress your minds that does theirs upon this subject, they make no doubt but you will readily accede to their amendments.

Signed by order of the Council,

JOHN CLOWES, *Speaker*.

Wilmington, December 25, 1779.

Ordered, That Mr. Collins return the foregoing bill and its amendments to the House of Assembly, with the foregoing message.

Mr. Collins, being returned, reported the delivery of the above papers according to order.

Ordered, That Mr. Polk deliver to the House of Assembly the bill for the more easy and speedy recovery of small debts.

Mr. Polk reported the delivery thereof according to order.

Mr. Adams, a member of Assembly, was admitted and returned the bill for prohibiting the exportation of provisions from this State, as proposed by the House of Assembly and rejected by the Council, with the bill offered by the Council in lieu thereof and a paper of amendments proposed by the House of Assembly to the last mentioned bill; which amendments were read and agreed to.

Ordered, That the said bills and their amendments be sent to the House of Assembly by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the bill to prohibit the exportation of provisions from this State, in order to be engrossed.

Ordered to be engrossed.

Ordered, That Mr. Bassett wait on the House of Assembly with the message from the Council, by way of answer to the answer of the House of Assembly of the 30th of October last.

Who, being returned, reported the delivery thereof according to order.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair, at eleven o'clock this evening, a resolution of that House noticing the Council of their intention to adjourn this evening, accompanied with the following verbal message, viz :

"Gentlemen :

"The House of Assembly have maturely considered your message respecting the amendments proposed to the bill to amend the laws of this State for establishing the salaries and fees of the civil officers, and cannot accede to the said amendments ; but this House, convinced of the necessity of such a law, are willing to enact the same as it now stands, and request to know the opinion of your honorable House on the said bill in its present form.

"Wilmington, December 25, 1779."

On motion, by order, the resolution for the adjournment to Lewes-town was read the first time.

The bill to prohibit the exportation of provisions from this State, &c., being engrossed, was read and compared, and ordered to be sent, by Mr. Bassett, to the House of Assembly, in order to be signed by the Speaker thereof.

Mr. Bassett reported the delivery thereof according to order.

On motion, by order,

The resolution of the House of Assembly for the adjournment to Lewes-town was read the second time.

Ordered, That Mr. Bassett deliver to the House of Assembly the bill for amending the laws for establishing fees, and its amendments, with the following verbal message, viz :

Gentlemen :

The Council have given you their reasons for not receding from their proposed amendments to the bill for amending the laws for establishing fees, which they think are cogent; and while they continue of that opinion, you may rely they never will pass the bill on your terms.

Wilmington, December 25, 1779.

Mr. Bassett, being returned, reported the delivery of the papers committed to him according to order.

Adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., December 27th, 1779.

The Council met. Present all the members, except Mr. Patterson.

Mr. John Clark, a member of Assembly, was admitted and delivered to the Chair the bill for introducing economy in purchasing supplies for the Army of the United States, with a paper of amendments proposed thereto.

The same member also delivered a resolution of that House for affixing the Great Seal of this State to seven laws, passed December, 1779, with the laws therein mentioned.

The Council took into consideration the act of Congress of the nineteenth of November, 1779, respecting a general limitation of prices, and thereupon came to the following resolutions founded thereon, viz :

WHEREAS by an act of Congress of the nineteenth day of November it is, among other things, declared that such States as have neglected to pass laws for the limitation of prices reducing the several matters and things therein mentioned to a sum not exceeding twenty fold of the prices current through the various seasons of the year 1774, in order that such State who may neglect or refuse should respectively be charged in the public accounts with the aggregate amount of the difference of prices paid from and after the said first day of February, 1780, in such States and those in which such laws should have been enacted ; thereupon

Resolved, That the said act of Congress above mentioned is considered, by the Legislature of this State, to be an infringement on the rights and liberties of the people, and inconsistent with the freedom and independency thereof.

Resolved also, That the Delegates be instructed by the General Assembly to endeavor as soon as possible to procure a repeal of the said act of Congress, and that their instructions be as follows, to wit :

Gentlemen :

The Legislature of this State humbly conceive the act of Congress, passed the nineteenth day of November, respecting the charging any State with the aggregate amount of the difference of prices over and above twenty fold from and after the first day of February, 1780, to be an infringement on the rights of the people, and inconsistent with the freedom and independence thereof ; therefore you are hereby requested to endeavor to procure a repeal of that part of the said act of Congress as soon as possible.

Ordered, That the above resolutions be transcribed and sent for concurrence to the House of Assembly, together with the above recited act of Congress of the 19th November, and the letter from the President of Congress to the President of this State, by Mr. Cantwell.

Mr. Young, a member of Assembly, was admitted and delivered a resolution of that House for the appointment of a committee of conference on the subject matter of the amendments proposed by the Council and House of Assembly to the bill for amending the laws for establishing fees ; which, by order, was read, concurred in, and follows in these words, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ MONDAY, A. M., December 27, 1779.

“ On motion,

“ *Resolved*, That it be proposed to the Council to appoint a committee of their body to confer with a committee of this House on the subject matter of the 2d, 6th, 7th, 10th, 12th, 13th, 15th and 16th amendments, proposed by the Council to the bill for amending the laws for establishing the salaries and fees to the civil officers, &c., and also the subsequent paper of amendments proposed by this House to the said bill. The committee chosen on the part of this House are Messrs. Bryan, Peery and Waples.

“ Extract from the minutes.

“ JAS. BOOTH, *Cl'k of Assembly.*”

And thereupon the Council have nominated, on their part, Messrs. Bassett, Hyatt, and Collins a committee to confer with the said committee of the House of Assembly on the subject matter of the amendments above mentioned.

Ordered, That the foregoing resolution, with the concurrence and appointment of the Council thereto, be returned to the House of Assembly by Mr. Hyatt.

Who, being returned, reported the delivery thereof according to order.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair the report of the committee for adjusting the State Treasurer's accounts, with the said accounts and vouchers, for concurrence.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Patterson appeared in the Council.

On motion, by order,

The resolution for affixing the Great Seal to seven laws passed this session was read the first time.

By special order, the foregoing resolution was read the second time, concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,
“SUNDAY, December 26, 1779.

“On motion,

“*Resolved*, That the President and Commander-in-Chief affix
“the Great Seal of this State to the following laws, to wit :

1. “An act to prevent forestalling and engrossing, and for other purposes therein mentioned ;”

2. "An act for the appointment of Trustees of the General Loan Offices in the respective Counties of this State ;"

3. "A supplement to the act entitled 'An act for the establishing a Militia within this State ;' "

4. "An act for raising one million three hundred and sixty thousand dollars in the Delaware State between the first day of February and the first day of October in the year one thousand seven hundred and eighty, and for other purposes therein mentioned ;"

5. "An act for the amendment of an act entitled 'A supplementary act to the act entitled 'An act for the more effectual ascertaining and fixing the limits of the several Counties within this Government, and for removing some inconveniences that may arise by the late establishment of the boundaries and divisional lines between the same and Maryland ;' "

6. "A supplement to an act entitled 'An act for the more easy and speedy recovery of small debts ;' "

7. "An act to prohibit the exportation of provisions from this State beyond the seas for a limited time."

"Extract from the minutes.

JAS. BOOTH,

"Sent for concurrence.

Cl'k of Assembly."

On motion,

Ordered, That the foregoing resolution and the laws therein mentioned be respectively signed by the Speaker of the Council ; which was accordingly done, and the same were ordered to be returned by Mr. Polk to the House of Assembly.

On motion, by order,

The report of the committee appointed to adjust the State Treasurer's accounts was read the first time.

By special order, the same was read a second time and agreed to.

Ordered, That the same be returned to the House of Assembly by Mr. Polk, together with the public accounts and vouchers.

The committee appointed by Council to confer with a com-

mittee of the House of Assembly on the subject matter of the amendments proposed by the Council to the bill for amending the laws for establishing fees, and the subsequent amendments proposed by the House of Assembly to the same bill, now delivered their report at the table ; which, by order, was read the first time.

By special order the same was read a second time.

Messrs. Polk and Cantwell now reported the delivery of the several papers respectively committed to them according to order.

On motion, by order,

The Council took into consideration the amendment proposed by the House of Assembly to the bill for introducing economy in the purchasing supplies for the army, and the same being considered and debated were rejected by the Council.

Ordered, That the said bill and amendments be returned, by Mr. Polk, to the House of Assembly.

Mr. Vandyke, a member of Assembly, was admitted and delivered to the Chair the bill for amending the laws for establishing fees, &c., with the report of the committee of conference and the amendments proposed thereto by the House of Assembly.

On motion, by order, the said amendments were read the first time.

By special order, the same were read the second time, considered and rejected by the Council.

Ordered, That the foregoing bill and report, with the amendments proposed thereto by the House of Assembly and rejected by the Council, be returned to that House by Mr. Polk.

Who, being returned, reported the delivery of the several papers committed to him according to order.

The Council now put in nomination persons to be balloted for as a Privy Councillor, when several persons were named for that office, and their names taken down for consideration, to be balloted for to-morrow morning.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., December 28th, 1779.

The Council met. Present all the members.

Mr. Houston, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly empowering the President to take measures for the more speedy supplying the army.

On motion, by order, the foregoing resolution was read the first time.

By special order, the same was read the second time, and an amendment was proposed and agreed to.

Ordered, That the said resolution and proposed amendment be sent, for concurrence, to the House of Assembly by Mr. Patterson.

Who, being returned, reported the delivery thereof according to order.

The Council, agreeable to the order of the day, proceeded to ballot for a Privy Councillor, and the box containing the ballots being examined, it appeared that James Raymond, of Kent County, Esq., was declared to be duly elected.

Mr. Stidham, a member of Assembly, was admitted and delivered to the Chair a bill for amending the laws for establishing fees, and the amendments proposed thereto; the report of the committee of conference, and the amendments proposed thereto by the House of Assembly, and rejected by the Council, receded from by that House, with a paper of further amendments proposed to the same report by the House of Assembly.

The same member also delivered to the Chair the resolution empowering the President to take measures for the more speedy supplying the army, with the amendments proposed thereto by the Council acceded to by the House of Assembly and made therein.

The Council took into consideration the further amendments

proposed by the House of Assembly to the report of the committee of conference, and after some time spent therein agreed to all the aforesaid amendments except the amendment for allowing a salary of one thousand pounds to the Attorney General.

Ordered, That Mr. Patterson wait on the House of Assembly with the bill for amending the laws for establishing fees, and the foregoing report of the committee of conference and the amendments proposed to each respectively.

Mr. Patterson reported the delivery of the above papers according to order.

On motion, by order,

The resolution empowering the President to take measures for the more speedy supplying the army was read, as amended, and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, P. M., December 27, 1779.

“ On motion,

“ *Resolved*, That the President or Commander-in-Chief of this State be and hereby is empowered, in the recess of the General Assembly, to take such measures, on application of Congress, the Commander-in-Chief of the Continental Army, or the Commissary or Quartermaster General of the said Army, for immediately supplying provisions or forage for the use of the same, and issue such orders to all and every person within this State concerned in the purchasing supplies for the said army, for the purpose of procuring and forwarding the same, as the exigency of the case may require ; and in case the said purchaser, or any of them, refuse or neglect to obey and execute such orders, the President is hereby also empowered to suspend such officer and appoint another in his place.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Ordered, That Mr. Polk return the foregoing resolution, with the concurrence of the Council thereto, to the House of Assembly.

Mr. Polk, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, December 29th, 1779.

The Council met. Present all the members, except Messrs. Polk and Conwell.

Mr. John Clark, a member of Assembly, was admitted and delivered to the Chair the engrossed bill for amending the laws for establishing the salaries and fees of the civil officers of this State, signed by the Speaker of the House of Assembly, together with the original bill and its amendments, in order that the same may be compared and signed by the Speaker of the Council, with a resolution for affixing the Great Seal of this State to the said bill.

The same member also delivered a resolution for raising the officers of the Delaware Regiment in rotation, &c.

The same member also delivered a resolution allowing each officer of the said regiment a hat.

The same member also delivered a resolution empowering the Speakers of both Houses to draw for ten thousand pounds in favor of the Clothier-General.

On motion, by order,

The bill for amending the laws for establishing the salaries and fees of the civil officers of this State, &c., was read, compared and ordered to be signed by the Speaker of the Council; which was accordingly done; whereupon Mr. Bassett entered the following protest against the said bill, viz:

WHEREAS the bill entitled "An act for the amendment of the laws for establishing the salaries and allowances to the President, Justices of the Supreme Court and Justices of the Courts of Common Pleas and Orphans' Court of this State, and the fees

of the other civil officers thereafter mentioned, and the allowances to jurors and witnesses," has been engrossed and signed by the Speaker of the House of Assembly and sent to the Council, in order to be signed by the Speaker of the same, with a clause therein contained not warranted by any amendment or proposition agreed to by the General Assembly, which proceedings I conceive to be illegal and unjustifiable, I do therefore hereby protest against the same, and pray that this protest may be entered on the minutes of the Council.

RICHARD BASSETT.

On motion, by order,

The resolution for affixing the Great Seal to the foregoing last mentioned bill was read, concurred in, and is as follows, viz :

" IN THE HOUSE OF ASSEMBLY,
" TUESDAY, P. M., December 29, 1779.

" On motion,

" *Resolved*, That the President and Commander-in-Chief affix the Great Seal of this State to the following law, to wit :

" 'An act for the amendment of the laws for establishing the salaries and allowances to the President, Justices of the Supreme Court and Justices of the Courts of Common Pleas and Orphans' Courts of this State, and the fees of the other civil officers hereinafter mentioned, and the allowances to jurors and witnesses.'

" Extract from the minutes.

JAS. BOOTH,

" Sent for concurrence.

Cl'k of Assembly."

On motion, by order,

The resolution for raising the officers in the Delaware Regiment in rotation was read and concurred in, and is as follows, viz :

" IN THE HOUSE OF ASSEMBLY,
" TUESDAY, P. M., December 28, 1779.

" On motion,

" *Resolved*, That the officers of the Delaware Regiment in the Continental Army be raised, in rotation, so as to fill up the

“vacancies occasioned by the resignation of Lieutenant Colonel Charles Pope, who has resigned his office therein; and that the President and Commander-in-Chief be requested to transmit a copy of this resolution to the Board of War.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly.*”

On motion, by order,

The resolution of the House of Assembly for allowing each officer in the Delaware Regiment a hat, was read, concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“TUESDAY, P. M., December 28, 1779.

“On motion,

“*Resolved*, That each commissioned officer in the Delaware Regiment be allowed a hat, in addition to the clothing heretofore allowed them by the General Assembly, which the Clothier-General is hereby directed to furnish.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly.*”

On motion, by order,

The resolution of the House of Assembly empowering the Speakers of both Houses to draw an order for ten thousand pounds in favor of the Clothier-General was read the first time.

Then the following accounts, brought in for the expenses of the Council, incurred at their present meeting for services rendered the State, were allowed, viz :

To the Honorable John Clowes, Esq., Speaker, for			
his traveling charges, &c., ...	£	107	0 0
To William Polk, Esq., for ditto, ...		75	10 0
To William Conwell, Esq., for ditto, ...		96	0 0
To John Baning, Esq., for ditto, ...		45	0 0
To Richard Cantwell, Esq., for ditto, ...		22	2 6
<i>Carried forward</i> , ...	£	345	12 6

<i>Brought over</i> , ...	£ 345 12 6
To Mrs. Huggins, for boarding Messrs. Collins and Hyatt, including traveling charges, ...	524 13 9
To Mr. John Lea, for boarding Mr. Bassett, including traveling charges, ...	185 2 6
To Miss Alice Bennett, for boarding the Honorable John Clowes, William Conwell, William Polk, and Benjamin Vining, Esquires, ...	980 0 0
To Mr. Israel Brown, for liquors, &c., ...	197 10 0
To Mr. Henry Kitchen, for keeping several of the members' horses, ...	405 0 0
To Mr. Benjamin Vining, Clerk of the Council, ...	411 5 0
To Mr. John Thelwell, Sergeant-at-Arms, ...	165 5 0
To Mr. John McGonogle, barber, ...	75 0 0
	£ 3289 8 9

On motion, by order,

The resolution for the adjournment of the General Assembly to Lewes-town, in Sussex County, was read a third time and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY, December 25, 1779.

“On motion,

“*Resolved*, That the General Assembly of this State will meet
 “at the Town of Lewes, in the County of Sussex, on the day to
 “which the present sessions may be adjourned, there to sit and
 “transact the public business.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Clerk of Assembly.”

Then the Council adjourned until the 22d day of May next, to meet at the Town of Lewes, in the County of Sussex.

MINUTES OF COUNCIL.

MARCH, 1780.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

CALLED SESSION, MARCH, 1780.

At a meeting of the Council at the Town of Lewes, in the County of Sussex, by a special order of the President, on Tuesday, the 28th day of March, in the year of our Lord one thousand seven hundred and eighty, a quorum of the members to form an House not attending, the Council adjourned from day to day until Monday, the 3d day of April, 1780.

MONDAY, April 3, 1780. .

The Council met. The following members attended, viz :

For New Castle County—Peter Hyatt.

For Kent County—Thomas Collins, John Banning, Richard Bassett.

For Sussex County—The Honorable John Clowes, William Conwell, William Polk.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, April 4th, 1780.

The Council met. Present the same members.

The writs for convening the General Assembly at the Town of Lewes not being laid before the Council, the House adjourned from day to day until Friday, the 7th instant.

FRIDAY, April 7th, 1780.

The Council met. Present the same members as on Tuesday.

The Secretary now delivered the writs for summoning the General Assembly to the Clerk of the Council, which by him were laid before the Council and read; and thereupon the Speaker laid upon the table a message from his Excellency, the President, of the 31st March last, which had been delivered to him by Mr. Stidham, a members of Assembly, on the 6th instant; and also a letter from the President of Congress to the President of this State, inclosing a Proclamation of Congress for setting apart Wednesday, the 26th instant, as a day of fasting, humiliation and prayer, with a resolution of the House of Assembly, for that purpose, founded thereon, which had been delivered to him by Mr. Bryan, a member of Assembly, on the 4th instant.

On motion, by order,

The President's message, and its inclosures, were severally read, and the said message is as follows, viz :

“Gentlemen of the General Assembly :

“A circular letter of the twenty-sixth of February last, which
“I have received from the President of Congress, with an act of
“that honorable body of the twenty-fifth of the same month,
“calling upon the several States to procure their respective
“quotas of supplies for the ensuing campaign, have, from the
“importance of the subject, determined me, with advice of the

“Privy Council, to convene you before the time to which you
 “adjourned ; both because a speedy compliance with that act,
 “and vigorous exertions in carrying the same into execution,
 “appear to be equally obvious and essentially necessary. I have
 “therefore directed the Secretary to lay these papers before your
 “Honors for your immediate consideration ; and also to lay be-
 “fore you two acts of Congress of the thirteenth and fourteenth
 “of January last, the former containing regulations to be adopted
 “relating to prisoners of war, whether taken by the Continental
 “troops or captured by the arms of any particular State, either
 “by sea or land, in order to obviate many difficulties occurred
 “for want of these general regulations ; the other recommending
 “to the Legislature of each of the United States to make pro-
 “vision, where the same is not already done, for conferring like
 “immunities on the subjects of his most Christian Majesty as are
 “granted to the subjects of these States by divers articles in the
 “treaty of amity and commerce; and likewise a recommendation
 “to the several States to set apart Wednesday, the twenty-sixth
 “of April next, as a day of fasting, humiliation and prayer.

“I must also entreat the attention of your Honors to an act
 “of Congress, of the eighteenth instant, calling on the several
 “States to bring in the Continental Currency, by monthly taxes,
 “or otherwise, as may best suit their respective circumstances,
 “and making provision for other bills to be issued in lieu thereof,
 “under certain restrictions, accompanied by a circular letter, ad-
 “dressed from the President of Congress, on that subject, both
 “which the Secretary will lay before you for your perusal and
 “consideration, together with an act of Congress, of the twen-
 “tieth instant, recommending the revision of such laws as have
 “been passed making the said currency a tender in discharge of
 “debts and contracts. As the two last mentioned acts are of the
 “first importance to the inhabitants of America, I have no doubt
 “but they will meet your most serious attention.

“Dover, March 31, 1780.

CÆSAR RODNEY.”

On motion, by order,

The resolution appointing Wednesday, the 26th instant, to be observed as a day of fasting, humiliation and prayer, was read the first time.

By special order, the same was read a second time, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ TUESDAY, P. M., April 4, 1780.

“ The committee to whom was referred the act of Congress recommending Wednesday, the twenty-sixth day of April instant, to be set apart as a day of fasting, humiliation and prayer, reported the following resolution, to which the House agreed:

“ *Resolved*, That Wednesday, the twenty-sixth day of April aforesaid, be set apart as a day of fasting, humiliation, and prayer to Almighty God, for the purposes in the above-recited act of Congress expressed, and that his Excellency, the President, be requested to publish the same throughout this State, by proclamation, on or before the fourteenth day of this instant.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Ordered, That Mr. Polk return the foregoing resolution, with the concurrence of the Council thereto, to the House of Assembly, together with the letter and proclamation therein referred to and accompanying the same.

Who, being returned, reported the delivery thereof according to order.

Mr. Bassett applied for leave of absence for a few days, which was granted to him.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., April 8th, 1780.

The Council met. Present the same members as on yesterday, except Mr. Bassett and Mr. Conwell.

Doctor Molleston, a member of Assembly, was admitted and delivered to the Chair an act of Congress, of the 13th January

last, relative to prisoners of war brought into this State, with a bill, offered by the House of Assembly, founded thereon.

On motion, by order, the foregoing act of Congress, and the bill founded thereon, were severally read the first time.

By special order, the foregoing bill for regulating prisoners of war brought into this State, was read the second time and referred to Messrs. Clowes, Polk and Hyatt, to report thereon on Monday next.

Adjourned till Monday morning at 10 o'clock.

MONDAY, April 10, 1780.

The Council met.

Some of the members attending on a committee, the Council adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., April 11th, 1780.

The Council met. Present all the members, except Messrs. Bassett, Cantwell, and Patterson.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair two receipts for public money paid into the Loan Office of Sussex County by Levin Derrickson and Joseph Hazard, commissioners appointed by an act of Assembly for the recovery of public monies from the late Trustees of the Loan Office in Sussex County, and others therein named, with a resolution of the House of Assembly respecting the said receipts.

The same member also delivered a petition from divers inhabitants of Appoquinimink Hundred, in New Castle County, praying leave to bring in a bill for embanking the marsh and cripple

on Morris's Branch, in the said hundred, together with the proceedings of the House of Assembly and a bill for that purpose founded thereon.

The same member also delivered to the Chair a resolution of the House of Assembly for the payment of £353 : 7 : 6 into the State Treasury by Joseph Stidham, appointed, by a resolution of the General Assembly at their last sitting, to make sale of the guard house and wooden part of the magazine in the Borough of Wilmington, with an account of the sales.

On motion, by order, the two foregoing receipts for public money paid by Levin Derrickson and Joseph Hazzard, Esquires, were severally read, and are as follows, viz :

“Received, November 4th, 1779, of Messrs. Levin Derrickson and Joseph Hazzard, commissioners appointed by act of General Assembly, the sum of four thousand four hundred and forty-six pounds and nine pence three farthings, principal, and nine hundred and sixty-seven pounds and two pence three farthings, interest, due from the late Trustees of the General Loan Office of Sussex County, according to the settlement of the public accounts in the year one thousand seven hundred and seventy-four.

“£5413 : 1 : 0½.

JOHN RODNEY, *Trustee L. O.*”

“Received, April 6th, 1780, of Messrs. Levin Derrickson and Joseph Hazzard, commissioners appointed by act of Assembly of this State, the sum of four hundred eighty-eight pounds seventeen shillings and four pence, principal, and one hundred seventeen pounds and seven pence, interest, being a balance due from David Hall and Jacob Kollock, as settled by the House of Assembly in the year one thousand seven hundred and seventy-four.

“£605 : 17 : 11.

DAVID HALL, *Trustee L. O.*”

On motion, by order,

The resolution of the House of Assembly respecting the two foregoing receipts was read the first time.

By special order, the same was read a second time, concurred in, and is in these words, viz :

“IN THE HOUSE OF ASSEMBLY,

“FRIDAY, P. M., April 7, 1780.

“*Resolved*, That the said two receipts be and are hereby declared to be full and sufficient acquittances and discharges as well to the aforesaid late Trustees of the Loan Office of the County of Sussex, and to David Hall and Jacob Kollock aforesaid, as to the said commissioners, Levin Derrickson and Joseph Hazzard; and that the sum of one hundred pounds be allowed to the said Levin Derrickson and Joseph Hazzard for their expenses and trouble in discharge of the duty enjoined them by the act of General Assembly aforesaid; which said sum shall be drawn for by the Speakers of both Houses on the State Treasurer.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The resolution for the payment of £355 : 7 : 6 into the State Treasury by Joseph Stidham, Esq., was read the first time.

By special order, the same was read a second time, and sundry amendments were proposed and agreed to.

Ordered, That Mr. Conwell return the foregoing resolution and proposed amendments to the House of Assembly for concurrence, together with the two foregoing receipts for public monies paid by Messrs. Levin Derrickson and Joseph Hazzard, and the resolution of the House of Assembly founded thereon, concurred in by the Council.

Mr. Conwell, being returned, reported the delivery thereof according to order.

On motion, by order,

The petition from divers inhabitants of Appoquinimink Hundred, praying leave to bring in a bill for embanking the marsh and cripple on Morris's Branch, &c., the proceedings of the House of Assembly, and the bill founded on the said petition, were severally read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Bryan, a member of Assembly, was admitted and delivered to the Chair a circular letter from the President of Congress to the President of this State, inclosing an act of Congress, of the 14th January last, recommending to the Legislatures of the several United States to make provision for conferring like privileges and immunities on his most Christian Majesty as are granted to the subjects of these States by divers articles of the treaty of amity and commerce, with a bill proposed for that purpose; which was read the first time.

The committee to whom the bill for regulating prisoners of war was referred, now reported sundry amendments to the same; which, by order, were read, agreed to and ordered to be transcribed.

Ordered, That the foregoing bill and transcribed amendments be sent to the House of Assembly, by Mr. Polk, for concurrence.

On motion, by order,

The bill for embanking the marsh and cripple on Morris's Branch was read the second time and referred to Messrs. Hyatt and Polk, to report thereon.

On motion of Mr. Collins for leave of absence during the present sitting, the same was granted to him.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., April 12th, 1780.

The Council met. Present the same members as on yesterday, except Mr. Collins.

Mr. Patterson now appeared in the Council, and, in his place, made his excuse for non-attendance; which, being admitted, he took his seat.

The committee to whom the bill for embanking the marsh and cripple on Morris's Branch, &c., was referred, now reported sundry amendments to the same; which, by order, were read, agreed to and ordered to be transcribed.

Mr. Polk now reported the delivery of the papers committed to his charge, according to order of yesterday.

On motion, by order,

The bill for conferring certain privileges and immunities on the subjects of his most Christian Majesty, the King of France, was read the second time.

By special order, the same was read a third time by paragraphs and passed the Council.

Ordered, That Mr. Conwell wait on the House of Assembly with the foregoing bill, as agreed to by the Council, and the circular letter and act of Congress relative thereto; and also return to that House the bill for embanking the marsh and cripple on Morris's Branch, &c., and the transcribed amendments thereto, with the petition and proceedings of the House of Assembly accompanying the same.

Who, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., April 13, 1780.

The Council met. Present the same members as on yesterday.

Mr. Stidham, a member of Assembly, was admitted and presented to the Chair two petitions from the owners and possessors of the marsh on Red Lyon Creek, in New Castle County, with a resolution of the House of Assembly founded on the said petitions.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the petitions of the owners and possessors of the marsh and cripple on Red Lyon Creek, &c., and the resolution of the House of Assembly founded thereon, were severally read the first time.

By special order, the said resolution was read a second time, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ TUESDAY, P. M., April 11, 1780.

“ The House took into consideration the two petitions from
“ the owners and possessors of the Red Lyon Marshes respecting
“ the banks of the same, and after some time spent thereon,

“ *Resolved*, That Robert Bryan and Thomas Duff, Esquires,
“ and Mr. Morton Morton be and are hereby appointed to go
“ upon the premises and view the same, and report to the
“ General Assembly the situation and circumstances of the said
“ marshes and banks, with their opinion thereon; after having
“ first given public notice of the time of meeting, in order that
“ the parties concerned may appear and offer any objections they
“ have against the petitions aforesaid.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Ordered, That Mr. Baning return the foregoing petitions and resolution to the House of Assembly, concurred in by the Council.

Mr. Baning, being returned, reported the delivery of the papers committed to him, according to order.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair the Clothier-General's accounts and vouchers, with the report of the committee thereon, and the resolutions of the House of Assembly founded on the same report.

On motion, by order, the foregoing report of the Committee of Accounts, and the resolutions founded thereon, were severally read the first time.

Mr. Houston, a member of Assembly, was admitted and delivered to the Chair the bill for regulating prisoners of war, with the amendments proposed thereto by the Council agreed to in the whole by the House of Assembly, except as to the last amendment, to which they have proposed an addition.

Adjourned till to-morrow morning at 9 o'clock.

FRIDAY, A. M., April 14th, 1780.

The Council met. Present the same members as on yesterday.

On motion, by order,

The resolutions of the House of Assembly on the report of the Committee of Accounts, were read a second time, concurred in, and are as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ TUESDAY, P. M., April 11, 1780.

“ The report of the Committee of Accounts was, by order, read
“ the second time, and thereupon

“ *Resolved*, That the several accounts of George Craghead,
“ Esq., Clothier-General, both for the expenditure of cash for
“ the service of the regiment and his expenses in conveying
“ clothing to camp, with the vouchers, be referred for adjustment
“ to the Auditor of Accounts.

“ That one hundred and two pounds sixteen shillings and three
“ pence be allowed to Lieutenant William McKennan, to defray
“ his expenses in conveying clothing for the regiment of this
“ State to camp.

“ That one hundred and ninety-two pounds five shillings be
“ paid to Lieutenant Edward Roche, for issuing eight months

“supplies, allowed by the General Assembly to the officers of
“the aforesaid regiment.

“That eight hundred and ten pounds be paid to James Adams,
“printer, for printing the laws passed at the last sitting of the
“General Assembly, which were ordered to the press.

“That the Speakers of both Houses draw for the several sums
“aforesaid on the State Treasurer.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

The Council took into consideration the additional amendment proposed by the House of Assembly to the amendment proposed by the Council to the bill for regulating prisoners of war, and agreed thereto.

Ordered, That Mr. Polk wait on the House of Assembly with the Clothier-General's accounts and vouchers, the report of the Committee of Accounts thereon, and the resolutions founded on the said report concurred in by the Council, together with the bill for regulating prisoners of war and the Council's amendments thereto, with the additional amendment proposed thereto by the House of Assembly acceded to by the Council.

Mr. Polk reported the delivery of the above papers according to order.

Mr. Cook, a member of Assembly, was admitted and delivered to the Chair an act of Congress, of the 25th February last, respecting supplies, with a bill for furnishing this State's quota of supplies for the ensuing campaign founded thereon.

On motion, by order, the foregoing bill was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The Council took into consideration the act of Congress calling upon the several States for their respective quotas of supplies for the ensuing campaign, and the bill founded thereon, and thereupon resolved themselves into a committee of the whole to consider the same.

Mr. Speaker left the Chair.

Mr. Patterson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Chairman reported from the committee that they had proposed divers amendments to the said bill, which were read, considered and agreed to by the Council.

Ordered, That Mr. Conwell return the said act of Congress and the foregoing bill to the House of Assembly, with the paper of amendments proposed thereto by the Council, for their concurrence.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a petition from divers inhabitants of New Castle County in favor of Negro Peter, slave of Joshua North, of said county, and forfeited to this State, under the laws thereof, and sold by the Commissioners for Forfeited Estates, praying a remission of part of the sum for which he sold, with a resolution of the House of Assembly founded thereon, and also the following resolution or notification respecting an adjournment, viz :

“ IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,

“ FRIDAY, the 14th April, 1780.

“ On motion,

“ *Resolved*, That this House will adjourn to-morrow eve to some future day.

“ Extract from the minutes.

“ Sent to the Council for their information.

“ JAS. BOOTH, *Cl'k of Assembly*.”

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., April 15th, 1780.

The Council met. Present the same members as on yesterday.

Mr. Conwell now reported the delivery of the papers committed to him, according to order of yesterday.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the report of the committee of the House of Assembly on the petition of William Powders; and also a resolution for prohibiting any member of the General Assembly from holding any office or appointment connected with army or navy contracts.

On motion, by order, the foregoing resolution was read the first time.

By special order, the same was read the second time, and an amendment was proposed and agreed to.

On motion, by order,

The petition in favor of Negro Peter, and the resolution of the House of Assembly founded thereon, were severally read the first time.

By special order, the said resolution was read a second time, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ FRIDAY, P. M., 14th April, 1780.

“ The petition of divers inhabitants of New Castle County in behalf of a negro man, Peter, late the negro man slave of Joshua North, of said county, forfeited to this State under the laws thereof, and lately sold by the commissioners, praying that the General Assembly of this State would remit part of the sum for which the said negro man sold, so as to enable him to raise the other part and be thereby set at his liberty, was, by order, read a second time; and the House being well informed that the purchaser of the said negro, Peter, was acquainted with the contents of this petition and the application, and was thereto agreed ; thereupon

Resolved unanimously, That the sum of money or price for "which the said negro man Peter sold at vendue as aforesaid be "and hereby is remitted, and the said negro man Peter manumitted and discharged from bondage ; on condition, nevertheless, that legal security be given to indemnify the county or "hundred from any cost, charge, or expense for the support or "maintenance of the said negro man Peter, in such manner as "the laws of this State direct.

"Extract from the minutes.

NICH'S VANDYKE.

"Sent for concurrence.

Per JAS. BOOTH, *Cl'k.*"

Ordered, That Mr. Polk wait on the House of Assembly with the foregoing petition and resolution, as concurred in by the Council, together with the resolution for prohibiting the members of the General Assembly from holding any office, &c., with the paper of amendments proposed thereto by the Council.

Mr. Polk, being returned, reported the delivery thereof according to order.

On motion, by order,

The report of the committee on the petition of William Powders was read and allowed.

Ordered, That Mr. Hyatt return the same to the House of Assembly.

Who, being returned, reported the delivery thereof according to order.

Mr. Young, a member of Assembly, was admitted and delivered to the Chair the bill for furnishing this State's quota of supplies for the ensuing campaign, with the amendments proposed thereto by the Council, in part disagreed to by the House of Assembly, and an amendment proposed by that House to the said amendments of the Council.

Mr. Collings, a member of Assembly, was admitted and delivered to the Chair the resolution prohibiting the members of the General Assembly from holding any office, &c., with the amendment proposed thereto by the Council disagreed to by the House of Assembly.

The same member also delivered an account from George Latimer, Esquire, of his expenses, as a commissioner from this State, incurred in attending a convention in Philadelphia for ascertaining a general limitation of prices, amounting to £ 338, - 11 : 0. Also two accounts of Doctor Charles Ridgely, for medicine administered to sundry soldiers, amounting in the whole to £ 413 : 5 : 0.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The Council took into consideration the several amendments to the bill for furnishing this State's quota of supplies, &c., and receded from such of their amendments to the same as were disagreed to by the House of Assembly, and agreed to the amendment proposed by the House of Assembly to their amendments.

Ordered, That Mr. Baning return the said bill and amendments to the House of Assembly.

Mr. Baning, being returned, reported the delivery thereof according to order.

Mr. Ridgely, a member of Assembly, was admitted and delivered to the Chair a petition from the officers of the Delaware Regiment, the report of the committee of the House of Assembly on the said petition, and a resolution of the House of Assembly founded on the said report, with the report of the Joint Committee of Accounts of December 21, 1779.

On motion, by order,

The accounts of Messrs. Latimer and Ridgely were read and allowed.

On motion, by order, the foregoing petition, report, and resolution were severally read the first time.

By special order, the foregoing resolution of the House of Assembly, founded on the report of the committee, was read a second time, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ SATURDAY, 15th April, 1780.

“ The House took into consideration the report of the committee to whom was referred the remonstrance of the officers of the Delaware Regiment, and the petition of Major Nathaniel Mitchell and others, and thereupon agreed to the said report so far as the same respects the officers of the Delaware Regiment ; and, on motion,

“ *Resolved*, That the President or Commander of the State be and hereby is empowered, from time to time during the recess of the General Assembly, to draw his orders on the State Treasurer in favor of the Clothier-General of the State for such sum or sums of money as may be necessary to enable him to procure and furnish the officers aforesaid with the supplies and clothing for the ensuing year, in the said resolutions enumerated.

“ Extract from the minutes.

NICH'S VANDYKE.

“ Sent for concurrence.

Per JAS. BOOTH, *Cl'k.*”

On motion, by order,

The report of the Joint Committee of Accounts was read a second time and agreed to.

Ordered, That Mr. Conwell return to the House of Assembly the foregoing petition of the officers of the Delaware Regiment, the report of the committee thereon, and the resolution founded on the same report, concurred in by the Council, together with the report of the Joint Committee of Accounts, and the accounts of George Latimer and Charles Ridgely, Esquires, respectively allowed by the Council.

Mr. Conwell, being returned, reported the delivery of the foregoing papers according to order.

Adjourned till to-morrow morning at 10 o'clock.

SUNDAY, A. M., April 16th, 1780.

The Council met. Present the same members as on yesterday, except Mr. Hyatt.

Mr. Stidham, a member of Assembly, was admitted and delivered to the Chair a petition from Preston Berry, for the discharge of his son from his enlistment into the Delaware Regiment, with a resolution of the House of Assembly founded thereon.

On motion, by order, the foregoing petition and resolution were severally read, and the said resolution was concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY, April 16, 1780.

“ The House resumed the consideration of the petition of
“ Preston Berry, and thereupon

“ *Resolved*, That Charles Berry, the son of the said Preston
“ Berry, be and he is hereby discharged from his enlistment with
“ the Delaware Regiment, in the service of the United States
“ of America, upon the payment to the recruiting officer of all
“ charges which have been necessarily incurred by the said
“ Charles Berry since his said enlistment.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Ordered, That Mr. Baning return to the House of Assembly the foregoing petition and resolution concurred in by the Council.

Mr. Baning reported the delivery thereof according to order.

Mr. Adams, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for affixing the Great Seal of this State to the several bills therein mentioned, together with the said bills therein referred to, and several orders, respectively signed by the Speaker of the House of Assembly, in order that the same may be compared and signed by the Speaker of the Council.

On motion, by order, the foregoing bills were severally read and compared, and ordered to be signed by the Speaker of the Council; which was accordingly done.

Ordered also that the Speaker sign the above mentioned order; which was done accordingly.

On motion, by order,

The resolution for affixing the Great Seal of this State to the foregoing bills was read and concurred in, and is as follows, viz:

“IN THE HOUSE OF ASSEMBLY, April 16, 1780.

“On motion,

“*Resolved*, That the President and Commander-in-Chief affix “the Great Seal of this State to the following laws, to wit:

1. “An act for conferring certain privileges and immunities on the subjects of his most Christian Majesty, the King of France, within this State;”

2. “An act for regulating prisoners of war brought into this State;”

3. “An act for the more effectual draining and improving the marsh, cripple and low lands on Morris’s Branch, in Appoquinimink Hundred and County of New Castle, and for other purposes therein mentioned;”

4. “An act for furnishing supplies within this State for the Army of the United States for the ensuing campaign.”

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl’k of Assembly.”

Ordered, That Mr. Polk return the foregoing resolution, with the concurrence of the Council thereto, to the House of Assembly, together with the bills and orders above mentioned, respectively signed by the Speaker of the Council.

Mr. Polk, being returned, reported the delivery thereof according to order.

Then the Council took into consideration the accounts of their expenses incurred at this present meeting, and the following accounts were allowed, viz:

	£	s.	p.
To Sarah Shankland, for dieting the members of Council, ...	1898	10	0
To Mrs. Margaret Kollock, for boarding one of the members of Council and their Clerk, ...	165	10	0
To Mr. John Wiltbank, for lodging Mr. Collins and keeping his horse, ...	262	1	0
To the Rev. Matthew Wilson, for boarding two of the members of Council, ...	327	5	0
To John Marsh, for keeping Mr. Conwell's horse, ...	136	0	0
To Anderson Parker, keeping Mr. Bassett's horse, ...	37	13	9
To Simon Edwards, Sergeant-at-Arms, &c., and for paying Mrs. Jones for the rent of her room for the Council, ...	271	5	0
To William Polk, Esq., for his traveling charges, ...	18	0	0
To Thomas Collins, Esq., for ditto, ...	45	0	0
To John Baning, Esq., for ditto, ...	30	0	0
To Samuel Patterson, Esq., for ditto, ...	220	5	0
To Peter Hyatt, Esq., for ditto, ...	150	0	0
To Benjamin Vining, Esq., Clerk of the Council, ...	307	17	6
	*£ 4569 7 3		

Ordered, That the Speaker draw an order on the State Treasurer in favor of Sarah Shankland for the sum of £1898 : 10 : 0; and also that he draw an order in favor of John Clowes, Esq., for the sum of £1307 : 14 : 9, and separate orders for the remaining sum of £692 : 7 : 3.

Whereupon the said orders was immediately drawn and signed by the Speaker of the Council.

Then the Council adjourned till the 30th day of September next, to meet at the Town of Dover.

* This total, and the other figures given, are according to the record.

MINUTES OF COUNCIL.

JUNE, 1780.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

CALLED SESSION, JUNE, 1780.

At a meeting of the Council at the Town of Dover, in the County of Kent, by a special order of the President, on Monday, the fifth day of June, in the year of our Lord one thousand seven hundred and eighty, a quorum of the members to compose an House not attending, the Council adjourned from day to day until Thursday, the 8th instant.

THURSDAY, June 8th, 1780.

The following members attended in the Council, viz :

For New Castle County—Samuel Patterson, Richard Cantwell, Peter Hyatt.

For Kent County—Richard Bassett, John Baning.

For Sussex County—The Honorable John Clowes, William Conwell.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, A. M., June 9th, 1780.

The Council met. Present the same members as on yesterday, and also Mr. Collins.

Mr. Patterson laid on the table a remonstrance from the pilots of Lewes-town, in the County of Sussex, praying that a law may be enacted for the better regulation of pilots, with articles of agreement entered into by the said pilots for that purpose.

On motion, by order, the foregoing remonstrance and agreement were severally read the first time.

The Speaker laid upon the table a petition of John Sheldon Dorman, praying an increase of toll for keeping the bridge over the Broadkill Creek, in Sussex County, in repair, &c.

On motion, by order, the foregoing petition was read the first time.

Mr. John Clark, a member of Assembly, was admitted and delivered to the Chair a message from his Excellency, the President, to the General Assembly, of the 8th instant, inclosing two letters from the President of Congress to the President of this State, of the 24th and 29th May, 1780, together with three acts of Congress of the 22d, 26th and 27th of the same month therein referred to.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the President's message, and the several acts of Congress therein referred to, were read the first time, and the said message is in these words, viz :

“Gentlemen of the General Assembly :

*“A circular letter, of the nineteenth of May last, which I have
“received from the President of Congress, with an act of that*

“honorable body of the same date, calling upon the several States, from New Hampshire to Virginia, inclusive, to furnish their quotas of ten millions dollars for immediate use, have, from the importance of the subject, determined me, with the advice of the Privy Council, to convene you at so early a day after your last sitting, both because the most speedy compliance with the act, and the most vigorous exertions in carrying the same into execution, appear to be equally obvious and essentially necessary. I have therefore directed the Secretary to lay these papers before your Honors for immediate consideration.

“Since issuing the writs for convening the General Assembly, I have received a letter from the Committee of Coöperation, at Morris-town, of the 25th ultimo, with a copy of a letter from the Commander-in-Chief of our Army, and other papers of the same date, which I have also directed the Secretary to lay before you ; and am persuaded that the powerful naval and land force expected here from his most Christian Majesty, our good ally, to forward the operation of our arms, together with your zeal and affection for the interest of your country, will lead you to every exertion in your power consistent with the situation and circumstance of the people you represent.

“The Secretary will deliver you an act of Congress, of the 22d ultimo, for laying an embargo within this State.

“Gentlemen—I have this day received from the President of Congress a letter of the twenty-ninth of May, with two acts of that honorable body of the twenty-sixth and twenty-seventh of the same month, the one recommending to the States where any debts are due to their inhabitants from the Quartermaster’s and Commissary’s Departments, by notes or certificates, to make provision for discharging the same ; the other adopting measures to equip for sea the naval force of the United States, promoting harmony, and forwarding the common views of France and America ; one other act of Congress of the first instant, making further provision respecting such supplies as any State may furnish other than, or over and above, their quota of supplies required by the act of the twenty-fifth of February last. These papers also the Secretary will lay before you for your consideration.

“Dover, June 8, 1780.

CÆSAR RODNEY.”

By special order, the foregoing message and its inclosures, were read a second time and ordered to the House of Assembly.

On motion, by order,

The remonstrance of the pilots in Lewes-town, and the article of agreement accompanying the same, were read a second time and ordered to be sent to the House of Assembly for their consideration.

On motion, by order,

The petition of John Sheldon Dorman was read a second time and ordered to be sent to the House of Assembly for their consideration.

Mr. Patterson is appointed to wait on the House of Assembly with the several foregoing papers.

Who, being returned, reported the delivery thereof according to order.

Mr. William Clark, a member of Assembly, was admitted and delivered to the Chair a letter from George Craghead, Esquire, Clothier-General of this State, of the 3d instant, respecting the supplying the officers of the Delaware Regiment with money in lieu of stores; which, by order, was read the first time.

Adjourned till to-morrow morning at 8 o'clock.

SATURDAY, June 10th, 1780.

The Council met. Present the same members as on yesterday.

Adjourned till Monday morning at 10 o'clock.

MONDAY, P. M., June 12th, 1780.

The Council met. Present all the members, except Mr. Bassett.

Mr. Polk now appeared in the Council, and made his excuse, at his seat, for his non-attendance at an earlier day in the sessions ; which was admitted.

Mr. Vandyke, a member of Assembly, was admitted and delivered to the Chair a bill for furnishing the Continental Treasury with one hundred and thirty-two thousand eight hundred dollars, by loan, on the credit of the State.

On motion, by order, the foregoing bill was read the first time.

By special order, the same was read the second time and referred to Messrs. Patterson, Collins and Polk, to report thereon forthwith.

The committee to whom the said bill was referred now reported as their opinion that the same do pass.

Whereupon the said bill was read a third time by paragraphs and passed the Council.

Ordered, That the same be returned, by Mr. Conwell, to the House of Assembly.

Who, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 8 o'clock.

TUESDAY, A. M., June 13th, 1780.

The Council met. Present the same members as on yesterday.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a bill for the supporting, maintaining and keeping in good repair the causeway and bridge over Broadkill Creek,

in Sussex County, with the petition of John S. Dorman, whereon the said bill was founded.

The same member also delivered the remonstrance and articles of agreement between the pilots at Lewes-town, with a bill for regulating the pilots within this State employed in piloting ships and other vessels through the Bay of Delaware.

On motion, by order,

The bill for supporting, maintaining and keeping in good repair the causeway and bridge over the Broadkill, &c., was read the first time.

By special order, the same was read a second time and referred to Messrs. Clowes, Collins and Polk, to report thereon this afternoon.

On motion, by order,

The bill for regulating the pilots within this State, &c., was read the first time.

By special order the same was read a second time and referred to Messrs. Patterson, Conwell and Hyatt, to report thereon this afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee to whom the bill for supporting and keeping in good repair the causeway and bridge over the Broadkill Creek, in Sussex County, was referred, now reported sundry amendments to the same bill; which, by order, were read, agreed to, and ordered to be transcribed.

The committee to whom was referred the bill for regulating the pilots within this State, employed in piloting ships and other ves-

sels through the Bay of Delaware, now reported as their opinion that the same do pass.

Whereupon the said bill was read a third time by paragraphs and passed the Council.

Ordered, That Mr. Polk wait on the House of Assembly with the first mentioned bill and the amendments proposed thereto by the Council, for their concurrence; and also the bill for regulating the pilots within this State, &c., agreed to by the Council.

Adjourned till to-morrow morning at 8 o'clock.

WEDNESDAY, A. M., June 14th, 1780.

The Council met. Present the same members as on yesterday.

Mr. Polk now reported the delivery of the several papers committed to him according to the order of yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a resolution empowering the Clothier-General to furnish the officers of the Delaware Regiment with money in lieu of stores.

The same member also delivered a resolution of the House of Assembly for the sale of a quantity of steel, the property of the State.

On motion, by order,

The resolution empowering the Clothier-General to furnish the officers of the Delaware Regiment with money in lieu of stores, was read the first time.

By special order, the same was read the second time and concurred in, and is in these words, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ WEDNESDAY, A. M., June 14, 1780.

“ It being represented to the House that the Regiment of this State having marched to join the Southern army, the Clothier-General finds it almost impracticable to transmit to the officers of the said regiment the stores allowed them by the General Assembly, and that from the delay and wastage which must be unavoidable in conveying such stores to the said regiment during the present campaign, divers officers of the same have requested that the Clothier-General be empowered to furnish the amount of such stores to the officers in money ; therefore

“ *Resolved*, That George Craghead, Esq., Clothier-General of this State, pay unto Major John Patten, of the said regiment, the amount of the stores aforesaid, to be by the said John Patten distributed to the officers of the said regiment in the proportion in which such stores are directed to be apportioned by the General Assembly.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Ordered, That Mr. Baning return the same to the House of Assembly, concurred in by the Council.

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The resolutions for the sale of a quantity of steel, the property of this State, was read the first time.

By special order, the same was read the second time and concurred in, and is in these words, viz :

“IN THE HOUSE OF ASSEMBLY,
“WEDNESDAY, A. M., June 14, 1780.

“WHEREAS a considerable quantity of steel was heretofore
“purchased for the use of this State, a considerable part whereof
“is still on hand, part of which may be sold and the money arising
“thereby applied for the use of the State ; therefore

“*Resolved*, That the President of the State be requested and
“empowered to have so much of the said steel sold by public
“sale for the greatest and best price that can be got for the same,
“as he, in his opinion, may think can be spared.

“*Resolved*, That the money arising by such sale be by the
“President paid into the hands of the State Treasurer, to be by
“him applied towards the sum of one hundred and thirty-two
“thousand eight hundred dollars, directed to be borrowed, on
“the credit of this State, by the act entitled ‘An act for furnishing
“the Continental Treasury with one hundred and thirty-two
“thousand eight hundred dollars, by loan, on the credit of this
“State ;’ and that the President make return of such sale and
“payment to the General Assembly at their next meeting.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

Ordered, That Mr. Cantwell return the foregoing resolutions,
with the concurrence of the Council thereto, to the House of Assembly.

Mr. Cantwell, being returned, reported the delivery thereof
according to order.

Mr. Davis, a member of Assembly, was admitted and delivered to the Chair a bill for the payment and discharge of divers receipts, notes, or certificates, in the hands of inhabitants of this State, issued by Francis Wade, Esquire, Deputy Quartermaster-General within this State.

On motion, by order, the foregoing bill was read the first time.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., June 15th, 1780.

The Council met. Present the same members as on yesterday, except Mr. Collins.

On motion, by order,

The bill for the payment and discharge of divers receipts, notes or certificates, issued by Francis Wade, Esq., &c., was read the second time.

The same, by order, was read a third time by paragraphs, and sundry amendments were proposed and agreed to.

Ordered, That the said amendments be transcribed and sent, with the said bill, to the House of Assembly, for concurrence, by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. John Clark, a member of Assembly, was admitted and delivered to the Chair a return of deserters from the Delaware Regiment, confined in the public goal of Kent County since January 1st, 1780, together with a petition of Benjamin Crooks, keeper of the said goal, relative thereto, and a resolution of the House of Assembly, founded thereon, for the payment of one hundred and fifty pounds to the said Benjamin Crooks.

On motion, by order, the foregoing petition and resolution were read the first time.

Adjourned till to-morrow morning, 8 o'clock.

FRIDAY, A. M., June 16th, 1780.

The Council met. Present the same members as on yesterday, and also Mr. Collins.

Mr. Latimer, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill for furnishing the Continental Treasury with 132,800 dollars, by loan, on the credit of the State ; the bill for the supporting, maintaining, &c., the bridge over Broadkill Creek, &c., with the amendments proposed thereto by the Council agreed to by the House of Assembly and made therein ; and also the bill for regulating the pilots within this State, &c., engrossed and respectively signed by the Speaker of the House of Assembly, together with the originals, for comparison.

The same member also delivered to the Chair a resolution of the House of Assembly for affixing the Great Seal to the same bills.

On motion, by order,

The foregoing bills were severally read, compared and ordered to be signed by the Speaker ; which was accordingly done.

On motion, by order,

The resolution for affixing the Great Seal to the three laws, was read and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ FRIDAY, June 16th, 1780.

“ On motion,

“ *Resolved*, That the President and Commander-in-Chief affix the Great Seal of the State to the following laws, to wit :

1. “ An act for the furnishing the Continental Treasury with one hundred and thirty-two thousand eight hundred dollars, by loan, on the credit of the State ;”

2. “ An act for the supporting, maintaining and keeping in

good repair the bridge over the Broadkill Creek, in Sussex County, and for other purposes therein mentioned ;”

3. “An act for regulating the pilots within this State employed in piloting ships and other vessels through the Bay of Delaware.”

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Ordered, That the foregoing bills, respectively compared and signed by the Speaker of the Council, together with the resolution for affixing the Great Seal thereto, concurred in by the Council, be returned to the House of Assembly by Mr. Conwell.

Mr. Conwell reported the delivery thereof according to order.

On motion of Mr. Collins, for leave to bring in a bill for the repealing an act of Assembly entitled “An act for the repairing and keeping up the causeway adjoining the creek called the Murderkill, in Kent County,” the same was granted ; and thereupon a bill for that purpose was laid on the table.

On motion, by order, the foregoing bill was read the first time.

Mr. Peery, a member of the House of Assembly, was admitted and delivered the bill for the payment and discharge of divers receipts, notes, or certificates, &c., with the amendments proposed thereto by the Council acceded to by the House of Assembly, and an additional amendment proposed to the first amendment by the House of Assembly.

On motion, by order,

The said bill, with the amendments, was read, and the Council acceded to the additional amendment of the House of Assembly and proposed a further amendment to their own amendment ; which was read, agreed to, and ordered to be transcribed.

Ordered, That Mr. Cantwell return the foregoing bill, with its several amendments, to the House of Assembly for their consideration and concurrence.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the petition of Benj. Crooks, and the resolution of the House of Assembly for the payment of one hundred and fifty pounds to the said Benj. Crooks, were severally read the second time, and the said resolution was concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ WEDNESDAY, P. M., June 14, 1780.

“ The committee to whom was referred the petition of Benj. Crooks, keeper of the public goal of Kent County, report that they find due to the said Benj. Crooks one hundred and fifty pounds, for firewood furnished during the course of the last winter to deserters from the Delaware Regiment in the service of the United States, who were confined in the said goal, and that the same be paid out of the public money of this State and charged to the United States ; to which the House agreed.

“ *Resolved*, That the Speakers of both Houses draw an order on the State Treasurer for the aforesaid one hundred and fifty pounds in favor of the said Benjamin Crooks.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Mr. Cantwell now reported the delivery of the several papers given him in charge according to order.

Ordered, That the account and petition of Benjamin Crooks, and the resolution for the payment of £150 to the said Benjamin Crooks, be returned to the House of Assembly, concurred in by the Council, by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The bill for the repealing an act entitled "An act for the repairing and keeping up the causeway adjoining the creek called the Murderkill, &c.," was read the second time.

The same was, by order, read a third time, by paragraphs, and passed the Council.

Ordered, That Mr. Collins deliver the foregoing bill to the House of Assembly for their perusal and consideration.

Mr. Collins reported the delivery thereof according to order.

Mr. Adams, a member of Assembly, attending, was admitted and delivered to the Chair an act to prohibit the exportation of provisions from this State beyond the seas for a limited time.

On motion, by order, the foregoing bill was read the first time.

By special order, the same was read the second time and committed to Messrs. Collins, Polk and Patterson, to report thereon to-morrow morning.

Adjourned till to-morrow morning at 8 o'clock.

SATURDAY, A. M., June 17th, 1780.

The Council met. Present the same members as on yesterday.

Mr. Waples, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill for the preservation of buildings erected upon lands of the inhabitants of this State for the use of the United States, &c.

The committee to whom was referred the bill for prohibiting the exportation of provisions from this State, &c., now reported an amendment thereto; which was read, agreed to, and ordered to be transcribed.

Ordered, That Mr. Cantwell wait on the House of Assembly with the bill last mentioned and the transcribed amendment.

Mr. Cantwell reported the delivery thereof according to order.

On motion, by order,

The bill for the preservation of public buildings was read the first time.

By special order, the same was read the second time, and ordered to lie over for consideration.

Mr. Latimer, a member of the House of Assembly, attending, was admitted and delivered to the Chair a petition from James Tilton and Henry Latimer, surgeons in the army, for clothing, together with a resolution of the House of Assembly for furnishing clothing to the said James Tilton and Henry Latimer.

On motion, by order, the foregoing petition and resolution were read the first time.

By special order, the same were read a second time, and the said resolution concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,
“SATURDAY, A. M., June 17, 1780.

“WHEREAS Congress, by their act of the 15th day of April
“last, have resolved that any State which shall furnish the officers of the hospital and medical staff belonging to such State
“in the service of the United States with such articles of clothing as those officers are respectively entitled to by a resolution
“of Congress of the 20th November, 1779, and make return
“thereof to the Clothier-General, shall have credit for such supplies in their accounts with the United States; and whereas
“James Tilton and Henry Latimer, senior surgeons in the army
“of the United States, have prayed the General Assembly of this
“State to be furnished with clothing as aforesaid; therefore

“*Resolved*, That George Craghead, Esq., Clothier-General of
“this State, be authorized and directed to furnish the said James
“Tilton and Henry Latimer with such articles as by the said
“resolution is directed, and make return thereof to the Clothier-General of the Army, according to the said resolution, and also
“to this State.

“Extract from the minutes.

“Sent for concurrence.

JAS. BOOTH,

Cl'k of Assembly.”

Ordered, That the foregoing petition and resolution, concurred in by the Council, be returned by Mr. Polk to the House of Assembly.

Who, being returned, reported the delivery thereof according to order.

The Council now took into consideration the bill for the preservation of public buildings, &c., and sundry amendments were proposed, agreed to, and ordered to be transcribed and sent to the House of Assembly, for their concurrence, by Mr. Banning.

Who, being returned, reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., June 19th, 1780.

The Council met. Present the same members as on Saturday, and also Mr. Bassett.

Mr. Peery, a member of Assembly, attending, was admitted and delivered to the Chair the bill for the preservation of public buildings, &c., with the amendments proposed thereto by the Council in part agreed to and in part disagreed to by the House of Assembly.

The same member also delivered the bill to prohibit the exportation of provisions from this State, &c., with the amendments

proposed thereto by the Council acceded to by the House of Assembly and made therein.

Mr. Waples, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill for procuring an immediate supply of provisions within this State for the Army of the United States, &c., accompanied with an act of Congress of the 1st instant, a letter from his Excellency, General Washington, to the Committee of Coöperation, of the 25th May, and two letters from the said committee, to the President of the State, of the 25th May and 2d June, 1780, on the subject of supplies.

The Council took into consideration the bill for the preservation of public buildings and its amendments, and thereupon they receded from their first amendment, disagreed to by the House of Assembly, and adhered to their last, also disagreed to by that House, and likewise proposed additional amendments to the said bill, which were read, agreed to, and ordered to be transcribed and sent, together with the said bill and the embargo bill, by Mr. Conwell, to the House of Assembly, and also the following message, viz :*

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill for procuring an immediate supply of provisions, &c., together with the act of Congress and letters accompanying the said bill, were severally read the first time.

By special order, the same bill was read the second time and ordered to lie over till to-morrow.

Mr. Conwell now reported the delivery of the several papers committed to his charge according to order.

Adjourned till to-morrow morning at 7 o'clock.

* This message is not recorded.

TUESDAY, A. M., June 20th, 1780.

The Council met. Present the same members as on yesterday.

The Council now took into consideration the bill for procuring an immediate supply of provisions, &c., and sundry amendments to the same were proposed, read, agreed to, and ordered to be transcribed.

Ordered, That Mr. Hyatt deliver the foregoing bill, and the act of Congress and several letters accompanying the same, together with the transcribed amendments, to the House of Assembly for their consideration and concurrence.

Mr. Hyatt, being returned, reported the delivery of the aforesaid papers according to order.

Mr. Stidham, a member of the House of Assembly, attending, was admitted and delivered to the Chair a message from his Excellency, the President, inclosing copies of two letters from his Excellency, General Washington, to the Committee of Coöperation, of the 11th and 12th instant, together with a letter from General Washington, of the 2d instant, to the President of this State, respecting aids of Militia from this State; and also a bill for embodying a number of Militia for the purpose of reinforcing the Army of the United States.

On motion, by order,

The foregoing bill and message, with the several letters accompanying the same, were severally read, and the said message is in these words, viz :

“Gentlemen of the General Assembly :

“Yesterday evening I received a letter from the Committee of Coöperation at Morris-town, dated the 12th instant, together with copies of two letters from his Excellency, General Washington, to the committee ; all which I have directed the Secretary to lay before your Honors immediately, and as the General is very pressing, I am persuaded you will do everything in your power, without the least delay, to answer his expectations.

“Dover, June 17, 1780.

CÆSAR RODNEY.”

On motion, leave was granted to Mr. Polk to bring in a bill for the protection of the trade of this State ; whereupon a bill for this purpose was laid on the table.

On motion, by order, the foregoing bill was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill for embodying a number of Militia of this State, &c., was read the second time.

The same was a third time by paragraphs read, and sundry amendments thereto were proposed, read, agreed to and ordered to be transcribed.

Ordered, That Mr. Polk deliver the said bill, with the transcribed amendments, and the President's message and letters accompanying the same bill, to the House of Assembly.

Mr. Polk, being returned, reported the delivery thereof according to order.

Mr. John Clark, a member of Assembly, attending, was admitted and delivered to the Chair certain resolutions of that House for procuring arms, &c.

On motion, by order, the foregoing resolutions were read the first time.

On motion, by order,

The bill for the protection of the trade of this State was read the second time and agreed to by the Council.

Ordered, That the same be sent to the House of Assembly, for their consideration and concurrence, by Mr. Cantwell.

Mr. Houston, a member of Assembly, attending, was admitted

ted and delivered to the Chair the accounts of Capt. John Learmouth, the superintendent of the recruiting service for the Delaware Regiment, together with the reports of the committee of the House of Assembly and of the Auditor General on the said accounts, and the muster roll, dated 30th, 1780.

The same member also delivered to the Chair Doctor Samuel McCall's account for rent due him for ground whereon the Continental stable in the Town of Dover is erected, with a resolution of the House of Assembly empowering the Speakers to draw an order in favor of the said Samuel for £280.

The several foregoing accounts, reports, and resolution empowering the Speakers to draw an order in favor of S. McCall, were, by order, severally read the first time.

On motion, by order,

The resolution for procuring arms, &c., was read the second time, and some amendments were proposed thereto ; which were read, agreed to, and ordered to be transcribed and sent to the House of Assembly by Mr. Cantwell.

Mr. Cantwell, being returned, reported the delivery of the several papers committed to him according to order.

Adjourned till to-morrow morning at 6 o'clock.

WEDNESDAY, A. M., June 21st, 1780.

The Council met. Present the same members as on yesterday, except Mr. Bassett.

Mr. Vandyke, a member of the House of Assembly, was admitted and delivered to the Chair the resolution for procuring arms, &c., with the amendments proposed thereto by the Council acceded to by the House of Assembly.

The same member also delivered to the Chair a resolution of the House of Assembly empowering the President to fit out

barges to cruise on the bay and river of Delaware for the protection of the trade thereof.

On motion, by order,

The resolution for procuring arms, &c., as amended, was read and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ TUESDAY, A. M., 20th June, 1780.

“ WHEREAS it may be necessary from time to time, during the
“ recess of the General Assembly, that the receivers of supplies
“ in the respective Counties of this State be furnished with money
“ in order to enable them to proceed on the business assigned
“ them,

“ *Resolved*, That the President and Commander-in-Chief of the
“ State be and hereby is empowered to draw his order on the
“ State Treasurer in favor of the said receivers respectively for
“ such sums of money as he may judge necessary to enable the
“ said receivers to conduct the business with dispatch and ex-
“ pedition ; for which the said receivers are respectively to be
“ accountable to the General Assembly.

“ *Resolved also*, That the President and Commander-in-Chief
“ hereby is empowered and requested to write to the Board of
“ War to procure arms and other accoutrements for the use of
“ the three hundred and fifteen men required of this State, the
“ same to be procured on loan, or charged to the State, as may
“ be most agreeable to the said Board.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The resolution empowering the President to fit out barges, &c., was read the first time.

By special order, the same was read the second time and concurred in, and follows in these words, viz :*

*The resolution is not recorded.

Ordered, That Mr. Patterson return the two foregoing resolutions, with the concurrence of the Council to each respectively, to the House of Assembly.

Mr. Patterson, being returned, reported the delivery of the same according to order.

On motion, by order,

The resolution empowering the Speakers to draw an order in favor of S. McCall for £ 280, was read the second time and rejected.

On motion, by order,

The report of the committee of the House of Assembly on Capt. Learmouth's accounts was read the second time and agreed to, and is as follows, to wit :

“Your committee who were directed to converse with Capt. Learmouth on the subject of his accounts, have had such conference, and thereupon beg leave to report : That in the opinion of your committee the premium which was allowed by a resolution of the General Assembly, dated the — day of June, 1779, is now quite insufficient for the duty, and by the depreciation of our paper currency has become much less than was designed by the Legislature ; therefore your committee are of opinion that the reward now to be allowed to Capt. Learmouth for the recruiting service should be made equal to the reward designed by the Assembly at the time of entering into the resolution aforesaid, and also that the reasonable expenses of Capt. Learmouth during his attendance for the settlement of his accounts ought to be paid by this State.

“Your committee, being further instructed to report what may be the state of the accounts, do report that, after allowing several sums of money expended in taking up and securing deserters, and also for Capt. Learmouth's expenses going to, staying at, and returning from Philadelphia, being sent there by the Governor for money, there appears due from the said Capt. Learmouth the sum of four thousand one hundred and thirty-six dollars.”

Ordered, That Mr. Baning return to the House of Assembly Capt. Learmouth's muster roll and recruiting accounts, with the

report of the committee thereon agreed to by the Council, and the Auditor General's report, and also deliver the resolution empowering the Speakers to draw an order in favor of S. McCall for £ 280, rejected by the Council.

Mr. Baning reported the delivery of the aforesaid several papers according to order.

WHEREAS the present mode of raising recruits to fill up the Delaware Regiment is found, by experience, not to answer the good purposes thereby intended ; for the more easy and speedy filling up the regiment aforesaid, therefore

Resolved, That the President or Commander-in-Chief in this State for the time being may, and he is hereby authorized and empowered, to appoint one or more suitable persons in each county of this State, inhabitants thereof, to the recruiting service, for the purpose aforesaid.

Resolved also, That every person on the recruiting service, appointed as aforesaid, shall be allowed one hundred and ninety dollars for each able-bodied soldier he may enlist to serve during the war, and who shall pass muster.

That an additional bounty of two hundred dollars, over and above the two hundred dollars allowed by Congress, be given to every soldier that may be so enlisted.

That the President advance, from time to time, to the persons so appointed, out of the money in his hands for the recruiting service (if any), such sums as he may think necessary for the aforesaid service ; and

That the persons appointed to the service aforesaid respectively shall, when called upon by the President, account with him for the expenditures of all monies by them received for the aforesaid service.

Ordered, That Mr. Conwell deliver the foregoing resolutions to the House of Assembly for their concurrence.

Mr. Conwell, being returned, reported the delivery thereof according to order.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair the account of Robert Crozier against the Delaware State, for services done, amounting to £ 306.

The same member also delivered a resolution directing the County Lieutenant to account for fines received ; and also a resolution requesting the President to write to Congress.

On motion, by order,

The account of Robert Crozier was read, considered, and allowed for the sum of two hundred and four pounds.

On motion, by order,

The resolution directing the County Lieutenant to account for fines received, was read and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ WEDNESDAY, A. M., June 21, 1780.

“ On motion,

“ *Resolved*, That the Lieutenants of the Counties attend the
“ General Assembly at their meeting in October next without
“ fail, and render an account of the fines and forfeitures they
“ have received.

“ *Resolved*, That the Clerk furnish each of them speedily with
“ a copy of the above resolution.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The resolution requesting the President to write to Congress, &c., was read the first time and concurred in, and follows in these words, viz :*

Ordered, That Mr. Cantwell return the foregoing account, allowed by the Council, and the two last mentioned resolutions, with the concurrence of the Council to each respectively, to the House of Assembly.

Mr. Cantwell reported the delivery thereof according to order.

Mr. West, a member of Assembly, attending, was admitted and delivered to the Chair the following laws, engrossed and

* The resolution is not recorded in the minutes.

respectively signed by the Speaker of the House of Assembly, in order to be compared and signed by the Speaker of the Council, viz :

1. The bill for the preservation of public buildings, &c. ;
2. The Embargo bill ;
3. The bill for payment and discharge of divers receipts, &c. ;
4. The Supply bill ;
5. The Militia bill ;

And also a resolution of the House of Assembly for affixing the Great Seal of this State to the same.

On motion, the several foregoing bills were read, compared, and ordered to be signed by the Speaker ; which was done accordingly.

On motion, by order,

The resolution for affixing the Great Seal to the before mentioned laws was read the first time and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ WEDNESDAY, June 21, 1780.

“ On motion,

“ *Resolved*, That the President and Commander-in-Chief affix “ the Great Seal of the State to the following bills, to wit :

1. “ An act for the preservation of buildings erected upon the lands of inhabitants of this State for the use of the United States, and vesting such buildings and lands in the United States during the present war, and to punish persons for waste or trespasses made and committed thereon, and for other purposes therein mentioned ;”

2. “ An act to prohibit the exportation of provisions from this State beyond the seas for a limited time ;”

3. “ An act for payment and discharge of divers receipts, notes, or certificates in the hands of inhabitants of this State, issued by Francis Wade, Esq., Deputy Quartermaster General

within this State for the Continental Army, and his agents or assistants, for forage and other articles furnished by them to the said department for the public service ;”

4. “An act for procuring an immediate supply of provisions within this State for the Army of the United States of America, and for other purposes therein mentioned ;”

5. “An act for embodying a number of the Militia of this State for the purpose of reinforcing the Army of the United States.”

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

Ordered, That the foregoing bills, and the resolution for affixing the Great Seal to the same, respectively signed by the Speaker of the Council, be returned to the House of Assembly by Mr. Collins.

Who reported the delivery of the same according to order.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the resolution empowering the President to appoint one or more persons within this State for the recruiting service, with the concurrence of the House of Assembly thereto.

Ordered, That the Speaker sign an order in favor of Derrickson and Hazzard for the sum of one hundred pounds ; also that he draw an order in favor of James Adams for £ 533 ; in favor of Wilson and Butler for £ 156 : 5 : 0 ; and also in favor of Benjamin Crooks for £ 150 : 0 : 0 and £ 165 : 0 : 0, and Thomas Black for £ 100 : 0 : 0.

Whereupon the aforesaid several orders were immediately signed by the Speaker of the Council.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and took into consideration the accounts of their expenses at the present session, and the following allowances were made, to wit :

To John Clowes, for traveling expenses, as per bill, .			
No. 1, ...	£	72	0 0
To Samuel Patterson, for do. do., No. 2, ...		90	0 0
To William Conwell, for do. do., No. 3, ...		85	0 0
To Peter Hyatt, for do. do., No. 4, ...		15	0 0
To Richard Cantwell, for do. do., No. 5, ...		39	10 0
To William Polk, for do. do., No. 6, ...		22	10 0
To Benjamin Vining, Clerk of the Council, as per			
bill, No. 7, ...		337	2 6
To Thomas North, barber, as per bill, No. 8, ...		75	0 0
To French Battell, as per bill, No. 9, ...		3,142	12 6
	£	3,878	15 0

Ordered, That the Speaker draw orders on the State Treasurer for the payment of the aforesaid sums.

Whereupon the said orders was immediately drawn and signed by the Speaker.

Then the Council adjourned to the 30th day of September next, to meet at the Town of Dover.

MINUTES OF COUNCIL.

OCTOBER, 1780.



VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Council at the Town of Dover, on Friday, October 20th, Anno Domini, 1780, a sufficient number of members to make a quorum not attending, the Council adjourned from day to day till Wednesday, November 1st, 1780.

WEDNESDAY, A. M., November 1st, 1780.

The following members appeared in the Council, viz :

For New Castle County—Samuel Patterson, Richard Cantwell.

For Kent County—Thomas Collins, John Baning.

For Sussex County—William Conwell, William Polk.

The return of the Sheriff and Inspectors for the County of New Castle of the election of a Councillor to fill the seat of Peter Hyatt, Esquire, which became vacant on the first day of October last by rotation, being laid on the table, it appears that Thomas McDonough, Esquire, was elected a member of the Council for the said County of New Castle, in the room of the said Peter Hyatt, on the second day of October aforesaid.

Mr. McDonough appeared in the Council.

The return of the Sheriff and Inspectors for the County of Kent of the election of a Councillor to fill the seat of Richard Bassett, Esquire, which became vacant on the first day of Octo-

ber last by rotation, being laid on the table, it appears that John Cook, Esquire, was elected a member of the Council for the said County of Kent, on the second day of October aforesaid, in place of Mr. Bassett.

The return of the Sheriff and Inspectors for the County of Sussex of the election of a Councillor, being laid on the table, it appears that John Clowes, Esquire, whose seat became vacant on the first day of October last by rotation, was reelected a member of the Council for the said County of Sussex, on the second day of October aforesaid.

Mr. Clowes appeared in the Council.

The Council then proceeded to the choice of a Speaker, and Thomas Collins, Esquire, was elected.

The Speaker being seated in the Chair, Mr. Benjamin Vining was chosen Clerk of the Council, and Benjamin Crooks Door-keeper and Sergeant-at-Arms.

Mr. McDonough and Mr. Clowes, the two members chosen at the last general election, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and then took their seats. [*See note on page 10.*]

Mr. Benjamin Vining, Clerk of the Council, appeared in the House, took the oath and subscribed the declaration prescribed by the 22d article of the Constitution, and also took the oath of office. [*See note on page 11.*]

On motion,

Ordered, That Messrs. Patterson and Clowes be a committee to wait on the President and inform him that the Council, having met, are ready to receive any business his Excellency may have to lay before them.

The committee, being returned, reported that they had waited on his Excellency, the President, according to order, and delivered the message committed to them, and that he was pleased, in answer, to say, that he had laid his business before the House of Assembly, and that the same, in its regular course, would come before the Council.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Waples, a member of the House of Assembly, attending, was admitted and presented to the Chair a letter from the President of Congress, addressed to his Excellency, the President, with two acts of that honorable body, of the 12th and 24th August last, for making provision for the officers of the army.

The same member also delivered to the Chair a letter from General Gist to his Excellency, the President, of the 12th September, 1780, together with a letter from Captain James Moore, addressed to Thomas Collins, Esquire, and the resolutions of the House of Assembly respecting the officers of the Delaware Regiment.

On motion, by order, the foregoing letters, and the several papers accompanying the same, were read the first time.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., November 2d, 1780.

The Council met. Present the same members as on yesterday.

On motion, by order,

The resolutions of the House of Assembly respecting the officers of the Delaware Regiment, were read a second time, and an amendment was proposed and agreed to.

Ordered, That the same be transcribed, and that Mr. Patterson wait on the House of Assembly therewith, and also return the said resolutions and the several acts of Congress of the 12th and 24th August, delivered yesterday.

Mr. Patterson, being returned, reported that he had waited on the House of Assembly with the said papers according to order.

Mr. Collings, a member of the House of Assembly, attending, was admitted and delivered to the Chair the resolutions respecting the officers of the Delaware Regiment, with the amendment proposed thereto by the Council acceded to by the House of Assembly; which were read, as amended, and concurred in by the Council, and are as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“TUESDAY, P. M., October 31st, 1780.

“The committee to whom were recommitted the report on the acts of Congress of the 12th and 24th August, and the letter from General Gist, reported an essay of the business assigned them ; whereupon, the same being read and concurred in, it is

“*Resolved*, That an immediate supply of two months pay, in specie, be advanced by this State to each of the officers of the Delaware Regiment who were made prisoners in the action of the 16th of August last and now remain with the enemy, and also to Capt. James Moore and Lieutenant John Hyatt, of the said regiment, who are now prisoners on Long Island ; and that one months pay, in specie, be advanced to the other officers of the said regiment, who have been in the service of the United States of America in the Southern Department.

“That, in order to procure the said sum, in specie, eighty-five thousand dollars, in Bills of Credit, emitted by Congress, be forthwith laid out by Samuel Patterson, Esquire, the State Treasurer, in the purchase of a sum of money, in specie, for the purpose aforesaid ; and that an order be drawn by the Speakers of the two Houses of the General Assembly to enable the said Treasurer to apply so much of the public money for the use aforesaid ; and, as soon as the same specie shall be obtained, that the State Treasurer pay such part thereof as is hereinbefore allotted to the officers who have been in the service of the United States in the Southern army to Captain William McKennan ; or, in case of his death, or inability to proceed to the army, to such other person as the State Treasurer may think proper, who is to be accountable to the General Assembly for the disposition of the said monies ; and that the State Treasurer remit the part allotted to Captain Moore and Lieutenant Hyatt in such way as he shall deem most safe.

“That the State Treasurer charge the Continental Treasury

“with the said eighty-five thousand dollars as so much advanced
“of this State’s quota for the United States.

“That the Clothier-General of this State be directed to purchase immediately the necessary clothing and stores for the
“officers and soldiers, as well prisoners as others, belonging to
“the aforesaid regiment, and have them forwarded, with all
“convenient speed, to the said officers and soldiers; and that
“an order be drawn on the State Treasurer in favor of the said
“Clothier-General for the sum of fifty-five thousand dollars, to
“enable him to perform that service; the said Clothier-General
“to account with the General Assembly for the expenditure of
“the aforesaid sum.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl’k of Assembly.”

Ordered, That Mr. Cantwell return the foregoing resolutions, with the concurrence of the Council thereto, to the House of Assembly.

Who reported the delivery thereof according to order.

Adjourned till 3 o’clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned to 10 o’clock to-morrow morning.

FRIDAY, November 3, 1780.

The Council met and adjourned to 10 o’clock to-morrow morning.

SATURDAY, A. M., November 4th, 1780.

The Council met. Present all the members.

Mr. Cook, a member of the Council for the County of Kent, now appeared in the Council, took the oath and subscribed the declaration prescribed by the 22d article of the Constitution of this State, and then took his seat. [*See note on page 10.*]

Mr. Peery, a member of the House of Assembly, attending, was admitted and delivered to the Chair a petition, signed by sundry inhabitants of Sussex County, with a bill for the relief of divers persons concerned in the late insurrection in that county, founded on the said petition.

The same member also delivered a resolution of the House of Assembly respecting an adjournment; which, by order, was read, and is as follows, to wit :

“ IN THE HOUSE OF ASSEMBLY,
“ FRIDAY, P. M., November 3, 1780.

“ On motion,

“ *Resolved*, That it is the intention of this House to adjourn
“ the present sessions to-morrow evening to a distant day ; and
“ that Mr. Peery wait on the Council with a copy of this resolution for their information.

“ Extract from the minutes.

“ JAS. BOOTH, *Cl'k of Assembly.*”

On motion, by order,

The petition from sundry inhabitants of Sussex County, and the bill founded thereon, were severally read the first time.

On motion of Mr. Cook, for leave to bring in a bill for suspending the operation of the tender bills for a limited time, the same was granted, and a bill for that purpose was laid on the table, and, by order, read the first time.

On motion, by order,

The bill for the relief of divers persons concerned in the late insurrection in Sussex County, was read the second time, and was referred to Mr. Speaker, Mr. Clowes, and Mr. Patterson, to report thereon this afternoon.

On motion, by order,

The bill for suspending the operation of the tender bills, was read the second time and referred to Messrs. McDonough, Cook, and Polk, to report thereon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Kollock, a member of the House of Assembly, attending, was admitted and delivered to the Chair the President's message to the General Assembly, of the 25th ultimo, inclosing three circular letters from the President of Congress, an act of Congress, of the 25th August, for ascertaining the rank of Governors; one of the 6th September last, for facilitating the final ratification of the Articles of Confederation, and one of the 20th September, containing a new arrangement of the army, together with an act of the Legislature of New York, and some proceedings of the respective Legislatures of the States of Maryland and Virginia relative to the Articles of Confederation.

The same member also presented to the Chair a message from the President to the General Assembly of the 28th October, inclosing an act of Congress of the 10th of the same month, respecting such unappropriated lands as may be ceded or relinquished to the United States by any particular State.

On motion, by order,

The President's message of the 25th ultimo, and its inclosures, were severally read, and the said message is in these words, viz :

“Gentlemen of the General Assembly :

“Divers acts of Congress, accompanied with circular letters, from the President of that honorable body, and other papers relative thereto, have been transmitted to me since the close of the last session. These papers, from their nature and importance to the welfare of the State indispensably claiming the attention of the Legislature, I have directed the Secretary to lay before your Honors for your consideration, to wit : One of the 6th ultimo, recommending measures to be adopted by the several States for facilitating the completion and final ratification of the Articles of Confederation, with an act of the Legislature of the State of New York, and proceedings of the respective Legislatures of the States of Maryland and Virginia relative to that subject; two acts of the 12th and 24th of August last, making further provision for the officers and soldiers of the Continental Army, with recommendations to the several States ; one, of the 25th of the same month, ascertaining the rank of Governors or Presidents of the several States when they may act in the field together, or in conjunction with the Continental Army ; one, of the 26th, earnestly recommending to the several States to take the most speedy and effectual means in their power for drawing in their respective quotas of the Continental Bills of Credit, to be destroyed by taxes, or exchanging for them new bills, pursuant to the resolution of the 18th of March last, that the whole of the new bills may be issued ; also recommending to the several States to raise by taxes, payable in the new bills above mentioned, or specie, their respective quotas of three millions of dollars, agreeable to the apportionment of the 7th of October, 1779, and pay the same into the Treasury of the United States as soon as possible, the payment to be duly completed by the last day of December next ; one, of the 20th of September last, containing a new arrangement of the army ; one, of the 29th of the same month, recommending to the States respectively to supply their Delegates with money for their support by other means than drawing on the Treasury of the United States, except only in such cases as may render that mode indispensably necessary ; and a proclamation of the 18th instant, recommending Thursday, the 7th of December next, to be observed as a day of Thanksgiving and Prayer.

“I have also directed the Secretary to lay before your Honors

“a letter, dated at the camp at Hillsborough on the 12th ultimo, addressed to me from Brigadier-General Gist, requesting a supply of clothing and stores for the troops of this State in the Southern army, and also money and necessaries to render comfortable the situation of such of our troops as were lately captured and are now prisoners with the enemy.

“Dover, October 25, 1780.

CÆSAR RODNEY.”

On motion, by order, the President's message of the 28th ultimo, and the act of Congress inclosed therein, were severally read, and the said message follows in these words, to wit :

“*Gentlemen of the General Assembly:*

“I have just received from the President of Congress an act of that honorable body, dated the 10th instant, respecting such unappropriated lands as may be ceded or relinquished to the United States by any particular State pursuant to the recommendation of the 6th of September last, which I have directed the Secretary to lay before your Honors.

“Dover, October 28, 1780.

CÆSAR RODNEY.”

The committee to whom was referred the bill for the relief of divers persons concerned in the late insurrection in Sussex County, now reported an amendment to the same ; which, by order, was read and agreed to.

Ordered, That the same be transcribed, and that Mr. McDonough wait on the House of Assembly therewith for their concurrence, and that he return the petition from the inhabitants of Sussex County and the foregoing bill.

Mr. McDonough, being returned, reported that he had waited on the House of Assembly with the said papers according to order.

The committee to whom the bill for suspending the operation of the tender bills for a limited time was referred, rejected the said bill and delivered a new bill, in lieu thereof, at the table ; which, by order, was read the first time.

By special order, the same was read the second time.

The said bill was read a third time, by paragraphs, and passed the Council.

Ordered, That the said bill be transcribed and sent to the House of Assembly, for concurrence, by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

Mr. Peery, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill for the relief of persons concerned in the late insurrection in Sussex County, with a paper of amendments proposed by the House of Assembly to the amendments proposed by the Council to the said bill.

The same member also delivered the resolutions of the House of Assembly for facilitating the completion of the Delaware Regiment; and presented to the Chair an account of Capt. William McKennan, amounting to four thousand two hundred dollars, for the traveling expenses of himself, a sergeant and one soldier, from camp at Hillsborough to this State on the public service, with a resolution of that House for the payment of the said sum of 4,200 dollars to Captain McKennan.

The same member also delivered the resolutions of the House of Assembly for the protection of the trade of the Delaware bay and river.

The said member also delivered a proclamation of Congress of the 18th October, respecting the appointment of Thursday, the 7th day of December next, to be observed as a day of Thanksgiving and Prayer, with a resolution of that House for the said purpose.

The amendments proposed by the House of Assembly to the amendments proposed by the Council to the bill for the relief of divers persons concerned in the late insurrection in Sussex County, were read, considered and agreed to.

Ordered, That Mr. Conwell return the said amendments of the House of Assembly, agreed to by the Council, together with the bill.

Who, being returned, reported that he had waited on the House of Assembly with the said papers according to order.

On motion, by order,

The resolutions of the House of Assembly for facilitating the completion of the Delaware Regiment, were read the first time.

By special order, the same were read a second time and concurred in, and are as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ SATURDAY, A. M., November 4, 1780.

“ The House, taking into consideration the report of the committee respecting the filling up of the Delaware Regiment,

“ *Resolved*, That, in addition to the resolves of the late General Assembly made on the 21st of June last, the President or Commander-in-Chief be requested to issue his orders to such of the officers of the said regiment as now are or shortly may be returned into this State, and not assigned to particular duty, to proceed in the enlisting of able-bodied men into the said regiment, to serve during the war, upon the terms prescribed in the resolves aforesaid ; and that the President recommend to such officers respectively a strict attention to this duty, as also to the searching after and apprehending any deserters that may be within the State.

“ *Resolved also*, That the President or Commander-in-Chief be and he is hereby authorized and empowered to draw orders on the State Treasurer for a sum or sums, not exceeding forty thousand dollars, as a further supply for the service aforesaid.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

Capt. William McKennan's account, and the resolution for the payment of 4,200 dollars to Capt. McKennan, were read the first time.

By special order, the same were read a second time, the said account was allowed, and the said resolution concurred in, and is in these words, to wit :

“ IN THE HOUSE OF ASSEMBLY,
“ SATURDAY, P. M., November 4, 1780.

“ An account from William McKennan, a captain in the Dela-

“ware Regiment, amounting to four thousand two hundred dollars, for the traveling expenses of himself, a sergeant and one soldier, from camp at Hillsborough to this State, on the public service, was presented to the Chair, and, being read and considered, was allowed.

“*Resolved*, That the Speakers of both Houses draw an order on the State Treasurer for the said sum of four thousand two hundred dollars in favor of the said Capt. William McKennan.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The resolutions for the protection of the trade of the Delaware bay and river were read the first time.

By special order, the same were read a second time and concurred in, and are as follows, viz :

“IN THE HOUSE OF ASSEMBLY,
“SATURDAY, A. M., November 4, 1780.

“WHEREAS the trade of this State on the Delaware bay and river hath been and still is interrupted and impeded by armed boats and cruisers from New York and elsewhere ; for prevention whereof

“*Resolved*, That the President or Commander-in-Chief be and he is hereby authorized to contract for and fit out an armed vessel, not exceeding sixty tons in burthen, with such armed boat or boats as he shall judge necessary to be with and attend such vessel, and appoint and commission proper persons as officers of the same vessels, assigning the number of the crew and fixing their pay per day, over and above the benefit of all prizes by them taken and prosecuted to condemnation in the Court of Admiralty of this State.

“*Resolved*, That the expenses which may be incurred by the carrying the foregoing resolve into execution shall be borne and paid by this State.

“And to the end that an immediate supply of money may be obtained for the purpose aforesaid,

“Resolved, That a sum not exceeding one hundred thousand dollars be borrowed upon the credit of the State, and that the President sign certificates to the person or persons lending the same, in the following form, to wit :

“The Delaware State acknowledges the receipt of _____ dollars from _____, for the payment whereof to the said _____, his executors, administrators, or assigns, according to their value now settled at the rate of seventy-five for one in specie, on or before the twenty-fifth day of October next, with interest at the rate of six per cent. per annum, the faith of the said State is hereby pledged according to the tenor of certain resolves of the General Assembly made at Dover the 4th day of November, 1780. Witness my hand the _____ day of _____, Anno Domini, 1780.

“And whereas the trade and commerce of the neighbouring States of Pennsylvania and New Jersey is affected and injured by the depredations made by such armed boats and cruisers,

“Resolved, That it be recommended to the President or Commander-in-Chief of this State that he apply, by way of letters, to the executive authority of the neighbouring States aforesaid for their aid and assistance in the protection of the general trade of the bay and river aforesaid by sending one or more armed vessels on this service.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl’k of Assembly.”

On motion, by order,

The resolution for the appointment of a day of Thanksgiving and Prayer was read the first time.

By special order, the same was read a second time and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,
“SATURDAY, A. M., November 4, 1780.

“WHEREAS Congress, by their proclamation dated the 18th day of October last, have recommended to the several States to set apart Thursday, the seventh day of December next, to

“be observed as a day of public Thanksgiving and Prayer ;
“therefore

“*Resolved*, That Thursday, the seventh day of December
“aforesaid, be set apart throughout this State as a day of pub-
“lic Thanksgiving and Prayer to Almighty God for the pur-
“poses in the above-recited proclamation of Congress, and that
“his Excellency, the President, be requested to publish the same
“by proclamation.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

Ordered, That the four last mentioned resolutions, with the
concurrence of the Council respectively thereto, Captain Mc-
Kennan's account, the proclamation of Congress, and the several
messages from the President, with their inclosures, be returned
to the House of Assembly by Mr. Cook.

Mr. Cook, being returned, reported that he had waited on the
House of Assembly with the said papers according to order.

Doctor Clayton, a member from the House of Assembly,
attending, was admitted and returned to the Chair the bill to
suspend, for a limited time, the operation of the several acts of
Assembly of this State for making the Bills of Credit of the
United States and of this State a legal tender in the payment of
debts equal to gold and silver, with a paper of amendments pro-
posed thereto by the House of Assembly ; which were taken into
consideration and acceded to.

Ordered that the said bill be engrossed.

The said bill being engrossed, was, by order, read and com-
pared.

Ordered, That the same be sent to the House of Assembly by
Mr. McDonough.

Mr. McDonough, being returned, reported the delivery thereof
according to order.

Mr. Young, a member of Assembly, attending, was admitted
and delivered to the Chair the bill for the relief of divers persons
concerned in the late insurrection in Sussex County, and also the
bill to suspend, for a limited time, the operation of the several

acts of Assembly of this State for making the Bills of Credit of the United States and of this State a legal tender in the payment of debts equal to gold and silver, respectively signed by the Speaker of the House of Assembly, with a resolution of that House for affixing the Great Seal thereto.

The same member also delivered a resolution respecting an adjournment.

Ordered, That the two foregoing bills be signed by the Speaker of the Council ; which was done accordingly.

On motion, by order,

The resolution for affixing the Great Seal thereto was read and concurred in, and follows in these words, to wit :

“IN THE HOUSE OF ASSEMBLY,
“SATURDAY, P. M., November 4, 1780.

“On motion,

“*Resolved*, That the President and Commander-in-Chief affix “the Great Seal of the State to the following bills, to wit :

1. “An act for the relief of divers persons concerned in the late insurrection in Sussex County ;”

2. “An act to suspend, for a limited time, the operation of the several acts of Assembly of this State for making the Bills of Credit of the United States and of this State a legal tender in the payment of debts equal to gold and silver.”

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The resolution respecting an adjournment was read and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,
“SATURDAY, P. M., November 4, 1780.

“On motion,

“*Resolved*, That the General Assembly of this State will meet “at the Town of New Castle on the day to which the present

“sessions may be adjourned, and there sit to transact the public business.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

Mr. Duff, a member of the House of Assembly, attending, was admitted and delivered to the Chair the accounts of Capt. McKennan, Henry Nash, and Benjamin Crooks, for services done; which, by order, were read, considered and allowed, except as to the account of Capt. McKennan, which the Council rejected.

Ordered, That the bills and resolutions before mentioned, respectively signed by the Speaker of the Council, and the foregoing accounts, be returned, by Mr. Conwell, to the House of Assembly.

Mr. Conwell, being returned, reported that he had waited on the House of Assembly with the same according to order.

Adjourned to 8 o'clock to-morrow morning.

SUNDAY, A. M., November 5th, 1780.

The Council met. Present all the members.

Mr. Duff, a member of the House of Assembly, attending, was admitted, and delivered to the Chair the following notification of their adjournment, viz :

“IN THE HOUSE OF ASSEMBLY,

“SATURDAY, P. M., November 4, 1780.

“On motion,

“*Resolved*, That this House will, at the time of the adjournment of the present sessions, adjourn the same to Thursday, the fourth day of January next.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly.*”

Which, by order, was read.

The Council took into consideration and allowed the following accounts, brought in for the service of the State at this present sitting, to wit :

To French Battell, for the expenses of the members of the Council, ...	£3,111	15	6
To John Clowes, Esq., for his traveling expenses, ...	60	0	0
To William Conwell, Esq., for ditto, ...	60	0	0
To William Polk, Esq., for ditto, ...	30	0	0
To Thomas McDonough, Esq., for ditto, ...	41	5	0
To Samuel Patterson, Esq., for ditto, ...	80	7	0
To Richard Cantwell, Esq., for ditto, ...	18	15	0
To Benjamin Vining, Esq., Clerk of the Council, ...	311	5	0
To Thomas North, barber, ...	69	0	0
	£3,782	7	6

Ordered, That orders be drawn, and signed by the Speaker, on the State Treasurer for the payment of the said sum.

Whereupon orders were accordingly drawn and signed by the Speaker.

Then the Council adjourned to Thursday, the fourth day of January next, to meet at the Town of New Castle.

MINUTES OF COUNCIL.

JANUARY, 1781.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1781.

At a meeting of the Council at the Town of New Castle, by adjournment, on Thursday, the fourth day of January, Anno Domini, 1781, a quorum of the members to form a House not attending, the Council adjourned from day to day till Saturday, the 13th instant.

SATURDAY, P. M., January 13th, 1781.

The following members attended, viz :

For New Castle County—Samuel Patterson, Richard Cantwell.

For Kent County—Thomas Collins.

For Sussex County—John Clowes, William Polk.

Ordered, That Mr. Patterson and Mr. Clowes be a committee to wait on his Excellency, the President, and acquaint him that the Council, having met, are ready to receive any business he may have to lay before them.

Adjourned till 12 o'clock on Monday.

MONDAY, January 15th, 1781.

The Council met and adjourned to 10 o'clock to-morrow.

TUESDAY, P. M., January 16th, 1781.

The Council met. Present all the members, except Messrs. Baning, Polk, and Cook.

The committee appointed on Saturday last to wait on the President, now reported that they had waited on him, according to order, and delivered the message committed to them; when his Excellency was pleased, in answer, to say, that he had laid his papers before the House of Assembly, which, in course, would come before the Council; and at the same time expressed his wish that the General Assembly would give the important business now before them all possible dispatch.

Mr. Duff, a member of the House of Assembly, attending, was admitted and delivered to the Chair a message, of the 13th instant, addressed from the House of Assembly to his Excellency, the President, with his Excellency's message, in answer thereto, inclosing a return of the Receiver of Supplies for Sussex County, and also a resolution of the House of Assembly respecting the supplies.

The same member also delivered a resolution of the House of Assembly for the appointment of a committee to adjust the State Treasurer's accounts.

On motion, by order,

The foregoing message from the House of Assembly to his Excellency, the President, was read, and is as follows, to wit:

“A MESSAGE FROM THE HOUSE OF ASSEMBLY TO HIS EXCEL-
“LENCY, CÆSAR RODNEY, ESQUIRE, PRESIDENT AND COM-
“MANDER-IN-CHIEF OF THE DELAWARE STATE.

“*Sir*—The House of Assembly request you to inform them

“what quantities of the supplies in kind ordered to be raised in this State within the last year have been collected in each of the Counties of this State, and what the several species of those supplies are, and also what quantities of those supplies, and what several species of them, have been delivered by the Receiver in each County for the supply of the troops of the United States, or any of them, as by the act for furnishing supplies within this State for the Army of the United States for the ensuing campaign, passed at Lewes-town, the 15th of April last; and also by the act for procuring an immediate supply of provisions within this State for the Army of the United States of America, and for other purposes therein mentioned, passed at Dover, the 21st June, 1780, is provided.

“Signed by order of the House of Assembly,

“NICHOLAS VANDYKE, *Speaker*.

“New Castle, 13th January, 1781.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly*.”

On motion, by order,

The President's message, in answer to the above, and its inclosures, were severally read, and the said message is as follows, viz :

“*Gentlemen of the Assembly* :

“In answer to your message of the 13th instant, I beg leave to acquaint your Honors that the Receivers have sent me no returns since their several appointments, except one from the Receiver of Sussex County, which will be laid before you here-with, tho' strictly enjoined to it by my instructions, as well as by the acts of Assembly referred to, and therefore it is not in my power to give the House that information they wish to have relative to the collection and delivery of supplies. I believe they have collected considerable quantities, but have been much interrupted in the transportation thereof from the Counties of Kent and Sussex by the refugee armed boats. The Receiver for New Castle County informs me that for some-time past he has not been able to carry on his business for want of a supply of money.

“CÆSAR RODNEY.

“New Castle, January 15th, 1781.”

On motion, by order,

The resolution of the House of Assembly respecting the supplies, was read the first time.

By special order, the same was read a second time and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, January 15, 1781.

“ It appearing to the House, by his Excellency, the President's answer to their message of the 13th instant respecting the supplies directed to be raised and obtained in this State for the use of the Federal Army, that no returns have been made to him by the Receivers of Supplies in either of the Counties of New Castle or Kent, and no return from the Receiver of the County of Sussex since the 20th of September last,

“ *Resolved*, That the President be requested forthwith to call upon those several Receivers for returns of the quantities of supplies raised or purchased within this State in the last year, specifying the places where the same shall be deposited ; and also returns of the quantities of those supplies by them respectively delivered for the use of the troops of the United States, or any of them ; and that the most speedy and effectual measures be taken for the delivery or transportation of the residue of those supplies for the use of the Federal Army.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The resolution for the appointment of a committee to adjust the State Treasurer's account was read the first time.

By special order, the same was read a second time and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ SATURDAY, P. M., January 13, 1781.

“ On motion,

“ *Resolved*, That Mr. Latimer, Mr. Kollock, and Mr. Barratt be a committee, on the part of this House, to join with a com-

“ mittee to be appointed by the Council, to settle and adjust the
“ State Treasurer’s accounts, and to make report thereof forth-
“ with.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl’k of Assembly.”

And thereupon the Council do appoint Mr. Clowes and Mr. McDonough to be a committee to join with the committee of the House of Assembly for the purpose above mentioned.

Ordered, That Mr. McDonough return the foregoing messages and resolutions, with the concurrence of the Council thereto respectively, to the House of Assembly.

Adjourned to 10 o’clock to-morrow.

WEDNESDAY, January 17th, 1781.

The Council met. Some of the members being on a committee, the Council adjourned to 10 o’clock to-morrow.

THURSDAY, A. M., January 18th, 1781.

The Council met. Present all the members, except Messrs. Polk and Cook.

Adjourned to 3 o’clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned to 10 o’clock to-morrow.

FRIDAY, A. M., January 19th, 1781.

The Council met. Present the same members as on yesterday.

The committee appointed to join with the committee of the House of Assembly to adjust the accounts of the State Treasurer, being still engaged in that business, the Council adjourned to 10 o'clock to-morrow.

SATURDAY, January 20th, 1781.

The Council met and adjourned to Monday morning.

MONDAY, A. M., January 22d, 1781.

The Council met, and having no business laid before them by the House of Assembly, adjourned from day to day until Saturday, the 27th instant.

SATURDAY, A. M., January 27th, 1781.

The Council met. Present all the members, except Mr. Cook.

Mr. McDonough now reported the delivery of the papers committed to him on Tuesday, the 16th instant, according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Houston, a member of the House of Assembly, attending, was admitted and delivered to the Chair a resolution of the House of Assembly for the appointment of a Committee of Public Accounts.

Mr. Collings, a member of the House of Assembly, attending, was admitted and delivered to the Chair a petition from Paul Quenoault, a lieutenant in the Delaware Regiment, with a resolution of the House of Assembly for the payment of four thousand dollars to the said Paul Quenoault.

On motion, by order,

The resolution for the appointment of a Committee of Public Accounts was read the first time.

By special order, the same was read a second time and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ THURSDAY, P. M., January 25, 1781.

“ On motion,

“ *Resolved*, That Mr. Clayton, Mr. Kollock, and Mr. White
“ be a Committee of Public Accounts, on the part of this House,
“ and that a copy of this resolution be sent to the Council, proposing the appointment of a committee of their body to join
“ with the committee aforesaid.

“ Extract from the minutes.

“ JAS. BOOTH, *Cl'k of Assembly.*”

And thereupon the Council have appointed Mr. McDonough and Mr. Polk to be a committee on their part to join with the committee of the House of Assembly for the purpose aforesaid.

On motion, by order,

The petition of Lieutenant Paul Quenoault, and the resolution founded thereon, were severally read the first time.

By special order, the same were read a second time, and the following amendment was proposed to the said resolution, viz : To insert the word [six] before the word [thousand], instead of the word [four] ; which was agreed to, and ordered to be transcribed.

Ordered, That Mr. Conwell return to the House of Assembly the resolution for the appointment of a Committee of Public Accounts, with the concurrence and appointment of the Council thereto ; and also return the foregoing petition and resolution, with the transcribed amendment thereto.

Adjourned to Monday morning at 10 o'clock.

MONDAY, P. M., January 29th, 1781.

The Council met. Present the same members as on Saturday, except Mr. Patterson and Mr. McDonough.

Mr. Conwell reported the delivery of the several papers committed to his charge, according to the order of Saturday.

Mr. Cook, who had been absent, now appeared, and in his place made his excuse for his non-attendance ; which was admitted.

Adjourned till to-morrow at 10 o'clock.

TUESDAY, A. M., January 30th, 1781.

The Council met. Present all the members, except Mr. Patterson.

Mr. Stout, a member of the House of Assembly, attending, was admitted and delivered to the Chair the resolution for the payment of four thousand dollars to Lieut. Quenoault, with the

amendment proposed thereto by the Council acceded to by the House of Assembly.

On motion, by order, the foregoing resolution was read and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ MONDAY, A. M., January 29, 1781.

“ By special order, the petition from Lieutenant Paul Queno-
“ ault, of the Delaware Regiment, was read the second time; and
“ thereupon

“ *Resolved*, That the Speakers of both Houses of the General
“ Assembly draw an order on the State Treasurer in favor of the
“ said Paul Quenoault for the sum of six thousand dollars, for
“ which he is to be accountable.

“ Extract from the minutes.

“ JAS. BOOTH, *Cl'k of Assembly*.”

Ordered, That Mr. Baning return the same resolution, with the concurrence of the Council thereto, to the House of Assembly.

Mr. Baning reported the delivery thereof according to order.

Adjourned to 10 o'clock to-morrow.

WEDNESDAY, January 31st, 1781.

The Council met and adjourned till to-morrow.

THURSDAY, February 1st, 1781.

The Council met. Present all the members.

There being no business before the Council from the House of Assembly, the Council adjourned from day to day until Saturday, the 3d instant.

SATURDAY, February 3d, 1781.

The Council met. Present all the members.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Kollock, a member of the House of Assembly, attending, was admitted and delivered to the Chair an act of Congress, of the 20th March last, for repealing the tender law, and two other acts of that honorable body, of the 18th of the same month, on the subject of Finance, together with a bill entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the 18th day of March last, and for other purposes.

On motion, by order, the foregoing acts of Congress, and the said bill, were severally read the first time.

Adjourned till 10 o'clock on Monday next.

MONDAY, A. M., February 5th, 1781.

The Council met. Present all the members.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the 18th day of March last, and for other purposes," was read the second time and deferred for consideration.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., February 6th, 1781.

The Council met. Present the same members.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Speaker laid before the Council a letter of the 3d instant, addressed from Mr. McKean (one of the Delegates for this State in Congress) to the Speaker of the Council; which, by order, was read, and ordered to be delivered by the Speaker to the Speaker of the House of Assembly, for their perusal and consideration.

The Council now resumed the consideration of the bill entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills

of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the 18th day of March last, and for other purposes," and after some time spent therein the same was deferred till to-morrow.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., February 7th, 1781.

The Council met. Present all the members.

The consideration of the bill entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, &c.," was now resumed again, and sundry amendments were proposed, agreed to and ordered to be transcribed.

Ordered, That Mr. Cantwell wait on the House of Assembly with the said transcribed amendments, for their consideration and concurrence, and also return the said bill.

Mr. Cantwell reported that he had waited on the House of Assembly with the said papers according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned to 10 o'clock to-morrow.

THURSDAY, A. M., February 8th, 1781.

The Council met. Present all the members.

Mr. Waples, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act to recruit the Regiment of this State now in the service of the

United States," together with two circular letters from the President of Congress, of the 6th and 26th October, 1780, inclosing two acts of Congress relative to the arrangement of the army, and the report of the House of Assembly thereon.

On motion, by order, the foregoing bill, and the papers accompanying the same, were severally read the first time.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill entitled "An act to recruit the Regiment of this State now in the service of the United States," was read the second time and referred to a committee of three, to report thereon to-morrow morning.

The members chosen : Mr. Clowes, Mr. McDonough, and Mr. Cook.

On motion of Mr. McDonough, for leave to bring in a bill for ascertaining the per diem wages of the members of the General Assembly of the Delaware State, the same was granted ; whereupon a bill was laid on the table, and

On motion, by order, the same was read the first time.

Adjourned to 10 o'clock to-morrow.

FRIDAY, A. M., February 9th, 1781.

The Council met. Present all the members.

The committee to whom was referred the bill entitled "An act to recruit the Regiment of this State now in the service of the United States," now reported as their opinion that the same may pass.

Mr. Duff, a member of the House of Assembly, attending, was admitted and delivered to the Chair a proposition from the House of Assembly for the nomination of persons to be balloted for as Delegates from this State to Congress for the ensuing year ; and also persons to supply the place of Chief Justice of the Court of Common Pleas and Orphans' Court for the County of New Castle, in the room of John Jones, Esquire, deceased, and the place of fourth Justice of the said Court, in the County of Sussex, in the room of Isaac Smith, Esquire, deceased.

The same member also delivered to the Chair an account of William Peery, Esquire, against the State, amounting to five thousand three hundred and forty-four dollars, with the report of the committee of the House of Assembly thereon.

On motion, by order,

The proposition from the House of Assembly for the nomination of persons to be balloted for as Delegates from this State to Congress for the ensuing year, &c., was read the first time.

On motion, by order,

The account of William Peery, Esquire, against the State, for five thousand three hundred and forty-four dollars, and the report of the committee of the House of Assembly thereon, were severally read the first time, and the said account was rejected by the Council.

On motion, by order,

The proposition from the House of Assembly for the nomination of persons to be balloted for as Delegates to Congress, &c., was read the second time, and an amendment was proposed, agreed to, and ordered to be transcribed.

On motion, by order,

The bill entitled "An act to recruit the Regiment of this State now in the service of the United States," was read a third time, by paragraphs, and passed the Council.

Ordered, That the foregoing bill, with the several papers accompanying the same ; the proposition from the House of Assembly for the nomination of Delegates from this State to Congress, &c., and the transcribed amendment thereto ; and William Peery's

account, as rejected by the Council, with the report of the committee of the House of Assembly thereon, be returned to the House of Assembly by Mr. Cook.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Cook now reported the delivery of the papers committed to him according to order.

Mr. Bassett, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for stating the accounts of the several Loan Offices and of Commissioners into whose hands any public monies have come by virtue of laws passed under the former Government, and for repealing part of an act entitled 'An act for the appointment of Trustees of the General Loan Offices in the respective Counties of this State.'"

The same member also delivered to the Chair the proposition from the House of Assembly for the nomination of persons to be balloted for as Delegates to Congress, with the amendment proposed thereto by the Council acceded to by the House of Assembly.

On motion, by order, the foregoing bill was read the first time.

On motion, by order, the foregoing proposition, as amended, was read and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., February 8th, 1781.

"On motion,

"*Ordered*, That Mr. Duff wait on the Council and propose to
"them that both Houses of the General Assembly meet in the
"State House, to-morrow evening, at three o'clock, for the pur-

“pose of nominating persons to be balloted for as Delegates from
“this State to Congress for the ensuing year; and also persons
“to supply the place of Chief Justice of the Court of Common
“Pleas and Orphans’ Court for the County of New Castle, in the
“room of John Jones, Esquire, deceased, and the place of fourth
“Justice of the said Courts in the County of Sussex, in the room
“of Isaac Smith, Esquire, deceased.

“Extract from the minutes.

“JAS. BOOTH, *Cl’k of Assembly.*”

Ordered, That Mr. Conwell return the same to the House of Assembly, with the concurrence of the Council thereto.

Who, being returned, reported the delivery according to order.

On motion, by order,

The bill entitled “An act for ascertaining the per diem wages of the members of the General Assembly of the Delaware State, was read the second time.

Mr. Peery, a member of the House of Assembly, attending, was admitted and delivered to the Chair a verbal information that the House of Assembly are now ready to receive the Council, in the State House, for the purpose of putting into nomination persons to be balloted for as Delegates from this State to Congress for the ensuing year; a Chief Justice of the Court of Common Pleas and Orphans’ Court for the County of New Castle, and a fourth Justice of the said Courts in the County of Sussex, agreeable to their proposition of yesterday.

Then the Council proceeded to the State House and there met the House of Assembly for the purpose above mentioned.

Ordered, That Mr. Patterson, Mr. Latimer, and Mr. Kollock be a committee to wait on his Excellency, the President, and acquaint him that the General Assembly, having now met in the State House to put in nomination persons to be balloted for as Delegates from this State to Congress for the ensuing year, a Chief Justice of the Court of Common Pleas and Orphans’ Court for the County of New Castle, and a fourth Justice of the said Courts in the County of Sussex, request his attendance, if he thinks proper.

The committee, being returned, reported that they had waited on his Excellency, the President, and delivered the message committed to them, according to order, when he was pleased, in answer, to say that he would wait on the General Assembly immediately.

The President attended in the General Assembly, and proceeded with the members to put in nomination persons to be balloted for as Delegates from this State to Congress for the ensuing year, and to fill the vacancies in the Courts of Common Pleas and Orphans' Courts in the Counties of New Castle and Sussex ; whose names were taken down for the consideration of the members of both Houses.

On motion,

Resolved, That the two Houses now separate, and meet again, in the State House, at 10 o'clock to-morrow morning, to ballot for persons to supply the above mentioned vacancies out of the persons now put in nomination.

Then the Council withdrew.

On motion,

Resolved, That the following verbal message be sent from the Council to the House of Assembly, viz :

Gentlemen :

The Council desire to see the several messages presented to the General Assembly this session by the President, in order that they may be able to judge of the business necessary to be done.

Mr. McDonough is appointed to deliver the above message ; who, being returned, reported the delivery according to order.

On motion, by order,

The bill for ascertaining the per diem wages of the members of the General Assembly, was read the third time, by paragraphs, and agreed to by the Council.

Ordered, That Mr. Polk deliver the same to the House of Assembly for their consideration.

Mr. Molleston, a member of Assembly, was admitted and de-

livered to the Chair the several messages presented this session by the President, dated the 12th and 25th January, and the 1st and 7th of this instant, with the papers therein referred to, agreeable to the request of the Council contained in their verbal message of this forenoon.

The same member also delivered a petition to the General Assembly in behalf of Charles Gordon, praying permission to return from New York to this State, accompanied with a letter from Jos. Nicholson respecting Mr. Gordon.

The same member also delivered to the Chair the several papers and proceedings of the Court of Admiralty of the State of New Jersey, respecting the removal of a vessel called the General Clinton, from Mispillion Creek, in this State, into New Jersey, by James Pollock and others.

The same member also delivered to the Chair a petition from John Lewden, praying leave to bring in a bill to alter the last course of the road leading from New Castle to Christiana village, with a bill for that purpose entitled "A further supplementary act to the act entitled 'An act for the better regulation of the roads in New Castle County.'

The same member also delivered a resolution of the House of Assembly respecting an adjournment of the present sessions to Monday, the 19th day of March next.

Adjourned till 9 o'clock to-morrow morning.

SATURDAY, A. M., February 10th, 1781.

The Council met. Present all the members.

Mr. Polk now reported the delivery of the bill for ascertaining the per diem wages of the members of the General Assembly, &c., to the House of Assembly, according to the order of yesterday.

Mr. Houston, a member of Assembly, was admitted and de-

livered to the Chair a bill for protecting the trade of the Delaware bay and river; and informed the Council that the House of Assembly are ready to receive them in the State House for the purpose of balloting for persons as Delegates from this State to Congress for the ensuing year; and also for a Chief Justice of the Court of Common Pleas and Orphans' Court for the County of New Castle, and a fourth Justice of the said Courts for the County of Sussex, agreeable to the order of the day.

Then the Council, agreeable to the order of the day, met the House of Assembly, in the State House, to ballot for persons to supply the above mentioned places out of the persons before put in nomination.

Then the General Assembly proceeded to ballot for persons as Delegates from this State to Congress for the ensuing year, and the ballots being examined it appeared that Thomas Rodney, Thomas McKean, and Nicholas Vandyke, Esquires, were declared duly elected.

On motion,

Ordered, That Mr. McDonough, Mr. Duff, and Mr. Peery be a committee to wait on his Excellency, the President, and inform him that the General Assembly have met in the State House for the purpose of electing persons to supply the place of a Chief Justice of the Court of Common Pleas and Orphans' Court for the County of New Castle, and of a fourth Justice of the said Courts for the County of Sussex, and request his attendance at such election, if he thinks proper.

The committee, being returned, reported that they had waited on the President with the message committed to them according to order, when his Excellency was pleased, in answer, to say that he would attend the General Assembly immediately.

The President attended, and proceeded with the General Assembly to ballot for persons to supply the said vacancies in the Courts of Common Pleas and Orphans' Court in the Counties of New Castle and Sussex.

Previous to the said balloting, on motion of Mr. Read,

Resolved, That the place of Chief Justice for the County of New Castle be supplied by the second Justice of the said Courts,

and that the second, third and fourth Justices of the same Courts rise in the same progressive order, the one supplying the vacancy occasioned by the removal of the other ;

Whereupon, the box containing the ballots being examined, it appeared that James Latimer, Esq., the present second Justice of the said Courts, was declared duly elected Chief Justice thereof ; and John Thompson, Abraham Robinson, and Richard Cantwell Esquires, were declared duly elected second, third, and fourth Justices of the same Courts for the County of New Castle ; and it also appeared that John Clowes, Esq., was declared duly elected the fourth Justice of the Court of Common Pleas and Orphans' Court for the County of Sussex.

Then the President withdrew, and the two Houses separated.

Adjourned till 3 o'clock.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill for protecting the trade of the Delaware bay and river, was read the first time.

By special order, the same was read a second time and referred to a committee of three, to report thereon forthwith.

The members chosen : Mr. Patterson, Mr. Cook, and Mr. Clowes.

On motion, by order,

The several messages presented this session by the President to the General Assembly, were now read the first time.

On motion, by order,

The petition in behalf of Charles Gordon, and the letter from Joseph Nicholson, respecting Mr. Gordon, were severally read the first time.

Ordered, That Mr. Polk return to the House of Assembly the several messages from the President to the General Assembly, presented this session, and the several papers relative thereto, except Mr. Nicholson's letter and the petition in behalf of Charles Gordon, and that he deliver the following verbal message from the Council, viz :

Gentlemen :

The Council, from the want of time and a variety of business now before them, return the several messages presented to the General Assembly by the President, together with the several papers relative thereto, except a letter from Mr. Nicholson and the petition in behalf of Charles Gordon.

The committee to whom was referred the bill for protecting the trade of the Delaware bay and river, now reported as their opinion that the same may pass.

Whereupon the same was read the third time, by paragraphs, and will pass.

Ordered also, That Mr. Polk return the said bill to the House of Assembly.

Who, being returned, reported the delivery thereof according to order.

Mr. Young, a member of the House of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly to draw an order on the State Treasurer in favor of William Millan for the sum of fifteen thousand dollars, together with another resolution to draw an order on the State Treasurer in favor of the said William Millan for the sum of twenty thousand dollars.

On motion, by order,

The petition of John Lewden, and the bill founded thereon, were read the first time.

By special order, the same were read a second time and referred to a committee of three, to view the premises, and report their proceedings thereon at their next meeting.

The members chosen : Mr. McDonough, Mr. Patterson, and Mr. Cantwell.

On motion, by order,

The resolution of the House of Assembly empowering the the Speakers of the two Houses of the General Assembly to draw an order on the State Treasurer in favor of William Millan for fifteen thousand dollars, was read the first time.

By special order, the same was read a second time and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ SATURDAY, P. M., February 10, 1781.

“ On motion,

“ *Resolved*, That the Speakers of the two Houses of the General Assembly draw an order on the State Treasurer in favor of William Millan, Receiver of Supplies for New Castle County, for the sum of fifteen thousand dollars, the said William Millan to account with the General Assembly for the same.

“ Extract from the minutes. For JAS. BOOTH, *Clk*.

“ Sent for concurrence. WILLIAM PEERY.

On motion, by order,

The resolution empowering the Speakers of the two Houses to draw an order on the State Treasurer in favor of the same William Millan for the sum of twenty thousand dollars, was read the first time.

By special order, the same was read the second time and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ SATURDAY, P. M., February 10th, 1781.

“ On motion,

“ *Resolved*, That the Speakers of the two Houses of the General Assembly draw an order on the State Treasurer in favor of William Millan, Receiver of Supplies for New Castle County, for the sum of twenty thousand dollars, to enable him to procure barrels for flour now on hand; the sum thus drawn for to be replaced in the Treasury by New Castle County, if not already provided for by an extra supply of provisions by the said

“county, and the said William Millan to account for the expenditure thereof with the General Assembly.

“Extract from the minutes. For JAS. BOOTH, *Cl'k.*

“Sent for concurrence. WILLIAM PEERY.”

Adjourned till next Monday morning at 10 o'clock.

MONDAY, A. M., February 12th, 1781.

The Council met. Present all the members, except Messrs. McDonough and Baning.

Ordered, That Mr. Conwell return to the House of Assembly the two resolutions empowering the Speakers of the two Houses to draw orders on the State Treasurer in favor of William Millan for the respective sums of fifteen thousand and twenty thousand dollars, with the concurrence of the Council severally thereto.

On motion,

Resolved, That the Speakers of the two Houses of the General Assembly draw an order on the State Treasurer in favor of Isaac Carty, Receiver of Supplies for Kent County, for the sum of ten thousand dollars, to enable him to procure barrels for flour now on hand; the sum thus drawn for to be replaced in the Treasury by Kent County, if not already provided for by an extra supply of provisions by the said county, and the said Isaac Carty to account for the expenditure thereof with the General Assembly.

Ordered, That the same be transcribed and sent, with the two foregoing resolutions, to the House of Assembly for their consideration and concurrence, by Mr. Conwell.

Who, being returned, reported the delivery of the said papers according to order.

On motion, by order,

The bill for stating the accounts of the several Loan Offices

was read the second time and referred to Messrs. Clowes, Cantwell, and Cook, to report thereon.

The committee to whom the foregoing bill was referred, now reported some amendments thereto; which were read, agreed to, and ordered to be transcribed.

Ordered, That Mr. Patterson return the foregoing bill, with the transcribed amendments, to the House of Assembly for concurrence.

Mr. Patterson reported the delivery thereof according to order.

The Council now put in nomination persons for a Privy Councillor, in the room of Eleazar McComb, Esquire, whose seat is become vacant by rotation, when several persons were named for consideration, to be balloted for in the afternoon.

Adjourned till 4 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and proceeded, agreeable to the order of the day, to ballot for a Privy Councillor, in the room of Eleazar McComb, Esq., out of the persons before put in nomination, and it appeared, upon examining the ballots, that Isaac Griffith was declared duly elected.

Mr. Young, a member of Assembly, was admitted and returned to the Chair the bill for ascertaining the per diem wages of the members of the General Assembly of the Delaware State, and for other purposes therein mentioned, with the following resolution of the House of Assembly thereon, viz :

“IN THE HOUSE OF ASSEMBLY,

“MONDAY, A. M., Feb. 12, 1781.

“On motion for a second reading of the bill entitled ‘An act for ascertaining the per diem wages of the members of the General Assembly of the Delaware State, and for other purposes therein mentioned,’

“*Resolved*, That the same, being a money bill for the support of Government, ought to have originated in the House of Assembly, agreeable to the sixth section of the Constitution of this State, and that House cannot proceed upon the bill aforesaid.

“ Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly*.”

The same member also delivered to the Chair a bill in lieu of the preceding, entitled “An act for ascertaining the allowance to members of the General Assembly, and for other purposes.”

On motion, by order, the foregoing bill was read the first time.

By special order, the same was read the second time.

The same was read a third time, by paragraphs, and will pass.

Ordered, That the foregoing bill be returned to the House of Assembly, agreed to by the Council, by Mr. Polk.

Who, being returned, reported the delivery thereof according to order.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a resolution of that House for accelerating the collection of the public taxes, and a resolution for stating public accounts.

The same member also delivered to the Chair a resolution respecting the payment of certificates, &c.

The same member also delivered to the Chair a resolution respecting supplies to be purchased in the respective Counties of this State, and also a resolution directing the mode of payment in the Treasury.

On motion, by order, the foregoing resolutions were severally read the first time.

By special order, the resolution for accelerating the collection of the public taxes, was read the second time and concurred in, and is in these words, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, Feb. 12, 1781.

“ On motion,

“ *Resolved*, That the President be requested to order the Attorney General to commence suits immediately on the bonds of such Treasurers as have not performed the duties required of them respectively by law, and also, upon the second day of April next, to commence suits on the bonds of such Collectors as shall not by that day have collected their respective quotas of the public taxes now due and paid the same to the Treasurer of their County; and that copies of this resolve be forthwith transmitted to the President or Commander-in-Chief and the respective Treasurers within this State, and that the County Treasurers respectively, as soon as may be after the receipt of such copies, make out and transmit duplicate copies to each Collector of his County.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The resolution for stating public accounts was read the second time, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, Feb. 12, 1781.

“ *Resolved*, That William Peery, Esq., be and hereby is appointed to settle and state all the accounts between this State and the United States, and that for effectually executing this resolution he be empowered to call for books and papers relating to the said accounts which have come to the hands of any person or persons in public office; that he make his report to the General Assembly as soon as may be, returning therewith as many original vouchers as can be procured, and where such cannot be procured, returning authentic copies, or other the best documents that can be obtained, indorsing and arranging them in regular order.

“ That the said William Peery be allowed one hundred pounds,

“in the bills to be emitted on the credit of this State, for performing the duties required by this resolve.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The resolution respecting the payment of certificates was read the second time, concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“MONDAY, Feb. 12, 1781.

“*Resolved*, That no directions be given by the State Treasurer to the Treasurers of the respective Counties of this State, or any of them, to receive and discharge the receipts, notes, or certificates, mentioned in an act entitled ‘An act for the payment and discharge of divers receipts, notes, or certificates in the hands of inhabitants of this State, issued by Francis Wade, Esq., Deputy Quartermaster-General within this State for the Continental Army, and his agents or assistants, for forage and other articles furnished by them to the said department for the public service,’ until he receive the further orders of the General Assembly for that purpose.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The resolution respecting the purchasing supplies in the respective Counties, &c., was read the second time and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“MONDAY, Feb. 12, 1781.

“*Resolved*, That the Receivers of Supplies in the respective Counties of this State, and every of them, forbear all further purchasing or issuing of certificates by virtue of the act entitled ‘An act for procuring an immediate supply of provisions within

“this State for the Army of the United States of America, and
“for other purposes therein mentioned.”

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The resolutions directing the mode of payment in the Treasury
were read the second time and concurred in, and are as follows,
viz :

“IN THE HOUSE OF ASSEMBLY,

“MONDAY, Feb. 12, 1781.

“On motion,

“*Resolved*, That all drafts made or to be made by the General
“Assembly upon the Treasury shall be paid by the State Trea-
“surer in order, according to the priority of their respective
“dates, unless by special directions of the General Assembly
“some of a later date be preferred to others of an earlier date ;
“and that at the end of every session the Clerk of the House of
“Assembly deliver to the said Treasurer an abstract of all drafts
“made during that session and copies of all special directions for
“preferences aforesaid.

“That the drafts in favor of George Craghead, Esq., Clothier-
“General, for fifty-five thousand dollars, and the order drawn by
“the Speakers of the two Houses of the General Assembly to
“enable the State Treasurer to apply eighty-five thousand dol-
“lars in the purchase of specie for an advance of pay to the
“officers of the Delaware Regiment ; the draft in favor of Wil-
“liam Millan for twenty thousand dollars, and another in favor
“of the same for fifteen thousand dollars, and the draft in favor
“of Isaac Carty for ten thousand dollars, to be paid and applied
“by the State Treasurer, one after the other as they are men-
“tioned in the resolve, in preference to any draft heretofore
“made by the General Assembly or the President.

“*Resolved*, That the State Treasurer withhold all further pay-
“ments of the two-thirds of the public tax to the Continental
“Treasury by virtue of the act entitled ‘An act for furnishing
“supplies within this State for the Army of the United States for
“the ensuing campaign.’

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly.*”

Ordered, That Mr. Cook return to the House of Assembly the several foregoing resolutions, respectively concurred in by the Council.

Mr. Cook, being returned, reported the delivery thereof according to order.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair a resolution for affixing the Great Seal to the several bills passed this session, together with the said bills therein mentioned, respectively engrossed and signed by the Speaker of the House of Assembly, in order that the said bills may be signed by the Speaker of the Council.

The same member also delivered to the Chair a resolution for the adjournment of the General Assembly to Dover; and also returned the resolution of the Council empowering the Speakers of the two Houses to draw an order on the State Treasurer in favor of Isaac Carty for ten thousand dollars, concurred in by the House of Assembly.

On motion, by order, the several bills above mentioned were read and compared, and directed to be signed by the Speaker; which was accordingly done.

On motion, by order,

The resolution for affixing the Great Seal to the foregoing bills was read and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, Feb. 12, 1781.

“ On motion,

“ *Resolved*, That the President and Commander-in-Chief affix
“ the Great Seal of this State to the following laws, viz :

1. “An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the 18th day of March last, and for other purposes ;”

2. “An act for the protection of the trade of this State on the River and Bay of Delaware ;”

3. "An act to recruit the Regiment of this State now in the service of the United States ;"

4. "An act for stating the accounts of the several Loan Offices and of Commissioners into whose hands any public monies have come by virtue of laws passed under the former Government, and for repealing part of an act entitled 'An act for the appointment of Trustees of the General Loan Offices in the respective Counties of this State ;' "

5. "An act for ascertaining the allowance to members of the General Assembly, and for other purposes."

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

On motion, by order,

The resolution respecting the adjournment of the General Assembly to Dover, was read the first time.

By special order, the same was read a second time, and some amendments were proposed, agreed to, and ordered to be transcribed.

Ordered, That the several foregoing bills, and the resolution for affixing the Great Seal to the same, respectively signed by the Speaker of the Council, be returned to the House of Assembly by Mr. Polk, together with the resolution respecting the adjournment to Dover, and the proposed amendments thereto.

Mr. Polk, being returned, reported the delivery of the foregoing papers according to order.

Ordered, That the Speaker sign a joint order in favor of Joseph Hazzard and Levin Derrickson for the sum of one hundred pounds ; which was done.

Mr. Clark, a member of Assembly, was admitted and delivered to the Chair the resolution respecting the adjournment to Dover, with the amendments proposed thereto by the Council acceded by the House of Assembly.

The same member also delivered to the Chair a message from the President to the General Assembly, inclosing two acts of

Congress of the 3d and 7th instant, and a circular letter of the 8th from the President of Congress to the President of this State.

On motion, by order,

The resolution of the House of Assembly respecting the adjournment of the General Assembly to Dover, was read, as amended, and concurred in, and is in these words, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, P. M., Feb. 12, 1781.

“ On motion,

“ *Resolved*, That the General Assembly of this State will meet “ at the Town of Lewes, in the County of Sussex, on the day to “ which the present sessions may be adjourned, and there sit to “ transact the public business.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Ordered, That Mr. Conwell return the same to the House of Assembly, concurred in by the Council.

Mr. Conwell, being returned, reported the delivery thereof according to order.

On motion,

Resolved, That Messrs. Patterson, Baning, and Cantwell be a committee to consider and report on the accounts brought in at this present meeting, which have not yet been allowed, and that the Speaker draw orders for the payment of the accounts already allowed.

Whereupon the following accounts, brought in for the traveling charges of the members, and other incidental expenses incurred at the present meeting, were allowed, and orders were accordingly drawn on the State Treasurer for the payment of the same, and signed by the Speaker, viz :

To John Baning, Esquire, for the traveling charges of	
himself and Messrs. Cook and Collins, ...	£ 176 0 0
<i>Carried forward</i> , ...	£ 176 0 0

<i>Brought over</i> , ...	£	176	0	0
To John Clowes, Esquire, for the traveling charges of himself and Messrs. William Polk and William Conwell, ...		641	12	6
To Benjamin Vining, Clerk of the Council, ...		860	19	9
To William Scott, for wood furnished the Council, ...		131	5	0
To Thomas Titus, for his attendance on the Council, &c., ...		60	0	0
		£	1869	17 3

Adjourned till to-morrow morning.

TUESDAY, A. M., February 13th, 1781.

The Council met. Present all the members, except Messrs. McDonough, Clowes, Conwell, and Polk.

The committee to whom the accounts of this meeting were referred, now reported as their opinion that the following accounts be allowed, viz :

To John Stockton, for boarding Mr. Conwell, ...	£	417	15	0
To Mrs. Esther Mackey, for boarding Mr. Collins, ...		555	5	0
To Mrs. Margaret Bail, for boarding divers of the members and feeding their horses, ...		20,741	12	6
		£	21,714	12 6

Which report being agreed to,

Ordered, That the Speaker draw orders on the State Treasurer in favor of the above mentioned persons for the sum annexed to their respective names.

Whereupon the said orders were accordingly drawn and signed by the Speaker.

Then the Council adjourned to the 28th day of May next, to meet at the Town of Lewes, in Sussex County.

MINUTES OF COUNCIL.

JUNE, 1781.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JUNE, 1781.

At a meeting of the Council, at the Town of Lewes, in Sussex County, by adjournment, on Monday, the 28th day of May, Anno Domini, 1781, a sufficient number of the members to form an House not attending, the Council adjourned from day to day until Tuesday, the fifth day of June, 1781.

TUESDAY, P. M., June 5th, 1781.

The Council met. Present the following members, viz :

For New Castle County—Mr. Cantwell, Mr. McDonough.

For Kent County—The Hon. Thomas Collins, Mr. Baning.

For Sussex County—Mr. Polk, Mr. Conwell.

On motion, by order,

The President's message to the General Assembly, of the 12th of February last, delivered at their last meeting, inclosing two acts of Congress of the 3d and 7th of the same month, recommending to the several States to invest Congress with a power to

levy certain imposts therein mentioned, and also the circular letter from the President of Congress of the 8th of February, were severally read the first time, and the said message is as follows, viz :

“Gentlemen of the General Assembly :

“ Having this moment received a circular letter from the President of Congress, with two acts of that honorable body, recommending to the several States to vest in Congress a power to levy, for the use of the United States, certain imposts in the said acts mentioned, I have directed the Secretary to lay the same before your Honors for your consideration.

“ New Castle, 12th Feb., 1781. CÆSAR RODNEY.”

On motion, by order,

The petition in behalf of Charles Gordon, for leave to return from New York to this State, and Mr. Nicholson's letter, delivered at the last meeting, were now read a second time.

Adjourned till to-morrow morning at 9 o'clock.

WEDNESDAY, June 6th, 1781.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow morning at 9 o'clock.

THURSDAY, A. M., June 7th, 1781.

The Council met. Present the same members as on yesterday, and also Mr. Clowes.

Messrs. Cantwell and McDonough, two of the committee appointed at the last meeting to view the premises mentioned in the petition of John Leuden and report thereon at the present sitting

of the Council, now begged a further time to view the same and report their proceedings thereon ; which was granted. Whereupon they are indulged for this purpose until the next meeting of the Council.

On motion, by order,

The President's message of the 12th February last, and the papers referred to therein, were read a second time.

Ordered, That Mr. Clowes return the same to the House of Assembly, and inform them that as the said acts of Congress respect the levying of money, it would be inconsistent with the Constitution for the Council to act thereon in the first instance.

Mr. Clowes, being returned, reported the delivery thereof according to order.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a bill to aid the discontinuance of the process in the Court of Quarter Sessions of Kent County ; which, by order, was read the first time.

By special order, the same was read a second time, and referred to Mr. Clowes, Mr. McDonough, and Mr. Cantwell, to report thereon in the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee appointed to report upon the bill to aid the discontinuance of the process in the Court of Quarter Sessions in the County of Kent, now report as their opinion that the same may pass.

Whereupon the same was read a third time, by paragraphs, and will pass.

Ordered, That Mr. Conwell return the same to the House of Assembly, and inform them that the Council have agreed thereto.

Mr. Conwell reported the delivery thereof according to order.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, A. M., June 8th, 1781.

The Council met. Present the same members as on yesterday.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a bill for raising forty-five thousand dollars in specie or supplies, for the service of the year 1781, by a general tax, with two circular letters of the 23d March and the 24th May, 1781, from the President of Congress, and the several acts of Congress therein referred to, on the subject of supplies.

On motion, by order, the foregoing bill, and papers accompanying the same, were read the first time.

By special order, the same were read the second time; and thereupon, on motion,

Resolved, That this House resolve itself into a grand committee of the whole to consider of the same bill and the accompanying papers.

Mr. Speaker left the Chair.

Mr. Conwell took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Conwell reported from the committee that they had made considerable progress in the business referred to them, and desired leave to sit again in the afternoon.

Mr. Young, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly respecting the adjournment of the present session.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and proceeded, in a grand committee of the whole, in the consideration of the bill for raising forty-five thousand dollars in specie or supplies, for the service of the year 1781, by a general tax.

Mr. Speaker left the Chair.

Mr. Conwell took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Conwell reported from the committee that they had proposed sundry amendments to the said bill; which were taken into consideration, agreed to, and ordered to be transcribed.

Mr. Barratt, a member of Assembly, was admitted and delivered to the Chair a bill to dispose of sundry supplies in Sussex County; which, by order, was read the first time.

Ordered, That Mr. Cantwell return to the House of Assembly the bill for raising forty-five thousand dollars in specie, &c., with the amendments proposed thereto by the Council, and the circular letters and acts of Congress accompanying the said bill.

Mr. Cantwell reported the delivery of the foregoing papers according to order.

On motion, by order,

The bill to dispose of sundry supplies in Sussex County, was read the second time, and sundry amendments were proposed; which, being read and agreed to, were ordered to be transcribed.

Ordered, That Mr. McDonough wait on the House of Assembly with the foregoing bill and proposed amendments.

Mr. McDonough reported the delivery thereof according to order.

Mr. Peery, a member of Assembly, was admitted and returned to the Council the amendments proposed by them to the bill for

raising forty-five thousand dollars in specie, &c., generally disagreed to by the House of Assembly, except as to a part of their fourth amendment, and their fifth and sixth amendments.

Adjourned till to-morrow morning at 9 o'clock.

SATURDAY, A. M., June 9th, 1781.

The Council met. Present the same members as on yesterday.

The Council now reconsidered the amendments proposed by them to the bill for raising forty-five thousand dollars in specie, &c., and disagreed to by the House of Assembly, and after some time spent therein, the further consideration was postponed.

Adjourned till Monday morning at 10 o'clock.

MONDAY, June 11, 1781.

The Council met. Present the same members as on Saturday, except Messrs. Polk and Conwell.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and resumed the consideration of their amendments to the bill for raising forty-five thousand dollars in specie, &c., and receded from such of their amendments thereto as were disagreed to by the House of Assembly, and proposed some fur-

ther amendments to the same bill ; which, being agreed to, were ordered to be transcribed and sent to the House of Assembly, with the said bill and first amendments, by Mr. Baning, for their consideration and concurrence.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., June 12th, 1781.

The Council met. Present the same members as on yesterday, and also Messrs. Polk and Conwell.

Mr. Baning now reported the delivery of the several papers committed to him according to the order of yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., June 13, 1781.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., June 14th, 1781.

The Council met. Present the same members as on yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair the bill for raising forty-five thousand dollars in specie, &c., with the further amendments proposed thereto by the Council acceded to by the House of Assembly, and some amendments proposed thereto on the part of the House of Assembly.

The same member also delivered to the Chair a supplementary bill to the act entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the eighteenth day of March last, and for other purposes."

On motion, by order,

The bill for raising forty-five thousand dollars in specie, &c., with the amendments proposed thereto by the Council and acceded to by the House of Assembly and made therein, and also the amendments proposed by the House of Assembly to the same bill, were read, and the said amendments were agreed to by the Council, and ordered to be returned, together with the said bill, to the House of Assembly, by Mr. Conwell.

On motion, by order,

The supplementary bill to the act entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, &c.," was read the first time.

On motion of Mr. McDonough, for leave to bring in a bill, by way of supplement to the act entitled "An act for regulating and establishing fees," the same was granted; whereupon a bill for that purpose was laid on the table, and, by order, read the first time.

Adjourned till 8 o'clock to-morrow morning.

FRIDAY, A. M., June 15th, 1781.

The Council met. Present the same members as on yesterday.

On motion, by order,

The supplementary bill to the act entitled "An act for calling out of circulation, &c.," was read the second time.

On motion, by order,

The bill by way of supplement to the act entitled "An act for regulating and establishing fees," was read a second time.

Mr. Conwell now reported the delivery of the several papers committed to him according to the order of yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the supplementary bill to the act entitled "An act for calling out of circulation, &c.," was read the third time, by paragraphs, and will pass.

On motion, by order,

The bill by way of supplement to the act entitled "An act for regulating and establishing fees," was read the third time, by paragraphs, and passed the Council.

Ordered, That Mr. Cantwell deliver the two foregoing bills to the House of Assembly.

Mr. Cantwell reported the delivery thereof according to order.

Adjourned till 10 o'clock to-morrow morning.

SATURDAY, A. M., June 16, 1781.

The Council met. Present the same members as on yesterday.

Mr. Young, a member of Assembly, was admitted and delivered to the Chair a bill for expediting the march of the recruits for the Delaware Regiment.

On motion, by order, the foregoing bill was read the first time.

By special order, the same was read the second time and postponed for further consideration until the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and resumed the consideration of the bill for expediting the march of the recruits for the Delaware Regiment, and proposed an amendment thereto; which, being agreed to, was ordered to be transcribed.

Ordered, That Mr. Clowes wait on the House of Assembly with the foregoing bill and transcribed amendment, for concurrence.

Mr. Clowes, being returned, reported that he had waited on the House of Assembly with the above papers according to order.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair an additional supplementary bill to the Militia act, together with the resolutions of the House of Assembly directing that the first class of the Militia hold themselves in readiness to march, and for procuring arms.

The same member also delivered to the Chair a petition, signed by a majority of the owners of the Mill Creek Meadows, in New Castle County, with a bill founded thereon, entitled "A supplementary bill to the act entitled 'An act to enable the owners and

possessors of a certain tract of meadow, marsh and cripple, on both sides of Mill Creek, below the Town of New Castle, to keep the banks, dams and sluices in repair, and to raise a fund to defray the expense thereof, passed on the twenty-fourth day of March, in the year of our Lord one thousand seven hundred and seventy; ' ' the original act of the said 24th March, 1770; the report of the committee of the House of Assembly respecting the said banks, and an order to view the allotments thereof.

The same member also delivered to the Chair the bill for expediting the march of the recruits for the Delaware Regiment, with the amendment proposed thereto by the Council disagreed to by the House of Assembly.

The same member also delivered to the Chair a message from the President to the General Assembly, of the 7th instant, inclosing three letters from the President of Congress, of the 1st and 2d instant, and an act of Congress of the 31st ultimo.

On motion, by order,

The additional supplementary bill to the Militia act, was read the first time.

The Council now took into consideration the amendment proposed by them, and disagreed to by the House of Assembly, to the bill for expediting the march of the recruits for the Delaware Regiment, and after some time spent thereon receded therefrom; whereupon the said bill was read by paragraphs and will pass.

Ordered, That Mr. Polk return the said bill and amendment to the House of Assembly, and inform them that the Council have receded from their said amendment and have agreed to the said bill, and that he also return the President's message, and its inclosures, to the House of Assembly.

Mr. Polk reported that he had waited on the House of Assembly with the above papers, according to order.

On motion, by order,

The resolutions directing the first class of the Militia to hold themselves in readiness to march on the shortest notice, was read the first time.

Adjourned till Monday next at 9 o'clock.

MONDAY, A. M., June 18th, 1781.

The Council met. Present the same members as on Saturday.

On motion, by order,

The additional supplementary bill to the Militia act, was read the second time and postponed for consideration until this afternoon.

On motion, by order,

The supplementary bill to the act entitled "An act to enable the owners and possessors of a certain tract of meadow, marsh and cripple on both sides of Mill Creek, below the Town of New Castle, to keep the banks, dams and sluices in repair, and to raise a fund to defray the expense thereof, &c.," and the papers relative thereto, were read the first time.

By special order, the said bill was read the second time, by paragraphs, and will pass.

Ordered, That Mr. Conwell return the foregoing bill, together with the petition and other papers relative thereto, to the House of Assembly, and inform them that the Council have agreed to the same bill.

Mr. Conwell reported the delivery of the above papers according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly, notifying their intention to adjourn this evening, with a resolution for adjourning the present sessions to Dover, of the present instant ; which, by order, were read.

The Council now resumed the consideration of the additional supplementary bill to the Militia act, and agreed to sundry amendments to the said bill, which were ordered to be transcribed and sent, with the said bill, to the House of Assembly, for their consideration and concurrence, by Mr. McDonough.

On motion, by order,

The resolution of the House of Assembly respecting the adjournment of the General Assembly to Dover, was read the second time and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY, A. M., June 18, 1781.

“*Resolved*, That the General Assembly of this State meet at
“the Town of Dover, in the County of Kent, on the day to
“which the present session may be adjourned, and there sit for
“the transaction of public business.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

Ordered, That Mr. McDonough return the same to the House of Assembly, with the concurrence of the Council thereto.

Mr. McDonough now reported the delivery of the several papers given in charge to him according to order.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for affixing the Great Seal to six bills passed this session, together with the said bills respectively compared and signed by the Speaker of the

House of Assembly, in order that the same may be compared and signed by the Speaker of the Council.

The same member also delivered to the Chair a resolution for appropriating the sum of five hundred and fifty pounds to the discharge of a public debt contracted by Henry Neill, and also a resolution for ascertaining the amount of certificates for supplies furnished the Commissary's or Quartermaster's Departments in the respective Counties for the use of the Continent.

On motion, by order,

The resolutions directing that the first class of the Militia hold themselves in readiness to march, and for procuring arms, were read the second time and concurred in, and are as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ SATURDAY, P. M., June 16, 1781.

“ On motion,

“ *Resolved*, That the President be requested to issue his orders
“ forthwith directing that the first class of the Militia, as they
“ stand classed in the Militia law, hold themselves in readiness
“ to march on the shortest notice to such place or places, as the
“ Commander-in-Chief of the Continental Army shall direct,
“ within the States, as directed by the aforesaid law.

“ *Resolved also*, That he be requested to write to the Board of
“ War, informing them that this State have it not in their power
“ to arm, equip, and accoutre the regiment of Militia required of
“ them by Congress, in their resolution of the 31st of May, and
“ that he request the said Board of War to lend this State as
“ many arms and accoutrements as will be necessary for the pur-
“ pose aforesaid.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the laws passed this session, was read the first time.

On motion, by order,

The resolution of the House of Assembly for appropriating the sum of five hundred and fifty pounds to the discharge of a debt contracted by Henry Neill, was read the first time.

On motion, by order,

The resolution of the House of Assembly for ascertaining the amount of certificates for supplies furnished the Commissary's or Quartermaster's Departments in the respective Counties of this State for the use of the Continent, was read the first time.

Ordered, That Mr. Polk return to the House of Assembly the resolutions directing that the first class of the Militia hold themselves in readiness to march, and for procuring arms, with the concurrence of the Council thereto.

Mr. Polk, being returned, reported the delivery thereof according to order.

On motion, by order,

The resolution for affixing the Great Seal to the laws passed this session, was read the second time and concurred in, and is in these words, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, P. M., June 18, 1781.

“ On motion,

“ *Resolved*, That the President and Commander-in-Chief affix “ the Great Seal of this State to the following laws, viz :

1. “ A supplementary act to the act entitled ‘ An act to enable the owners and possessors of a certain tract of meadow, marsh and cripple on both sides of Mill Creek, below the Town of New Castle, to keep the banks, dams and sluices in repair, and to raise a fund to defray the expense thereof,’ passed on the twenty-fourth day of March, in the year of our Lord one thousand seven hundred and seventy ;”

2. “ A supplementary act to the act entitled ‘ An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the 18th day of March last, and for other purposes ;”

3. "An act for expediting the march of the recruits raised for the Delaware Regiment ;"

4. "An act for aiding the discontinuance of the process and proceedings in the Court of General Quarter Sessions of the Peace and Goal Delivery in Kent County ;"

5. "An act for raising seven thousand eight hundred and seventy-five pounds in specie for the service of the year one thousand seven hundred and eighty-one, by a general tax ;"

6. "An act to dispose of sundry supplies collected in Sussex County for the Army of the United States."

"Extract from the minutes.

JAS. BOOTH,

"Sent for concurrence.

Cl'k of Assembly."

On motion, by order,

The resolution for appropriating five hundred and fifty pounds to the discharge of a debt contracted by Col. Henry Neill, was read the second time and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,

"MONDAY, June 18, 1781.

"On motion,

"*Resolved*, That the General Assembly of this State will apply the sum of five hundred and fifty pounds, in specie, out of the first monies that shall come into the Treasury thereof, towards discharging a contract entered into by Col. Henry Neill with a certain Thomas Salte for that sum, in pursuance of an act of Assembly of the Delaware State, entitled 'An act for the protection of the trade of the Bay and River of Delaware,' and the legal interest arising on that contract.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly."*

On motion, by order,

The resolution for ascertaining the amount of certificates for supplies furnished the Commissary's or Quartermaster's Departments, &c., was read the second time and concurred in, and is in these words, viz :

“IN THE HOUSE OF ASSEMBLY,
“MONDAY, June 18, 1781.

“On motion,

“*Resolved*, That Col. Thomas Duff, of the County of New Castle; Philip Barratt, of the County of Kent, Esq.; and William Peery, of the County of Sussex, Esq., be and they are hereby appointed for the counties in which they respectively reside, to advertise all such persons within their county as have furnished the Commissary's or Quartermaster's Departments with any supplies for the use of the Continent to bring the certificates or other vouchers for the articles thus furnished, that they may have an opportunity of taking a copy of the dates of said certificates, the sums of money due, and the articles for which they were given, that the same may be laid before the General Assembly at their next sitting.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly.*”

Mr. Caton, a member of Assembly, was admitted and delivered to the Chair certain resolutions of the House of Assembly, directing the Receivers of Supplies in the respective Counties of this State to make out exact and complete returns of the quantities and species of supplies raised or purchased, &c.

The same member also delivered certain resolutions, directing a return of all fines and forfeitures imposed in the respective Courts of General Quarter Sessions of the Peace and Courts of Oyer and Terminer and General Goal Delivery in the respective Counties of this State, to be laid, by the Clerks of the said Courts, before the General Assembly.

On motion, by order,

The resolutions directing the Receivers of Supplies to make out exact returns of the quantities and species of supplies raised or purchased, were read the first time.

By special order, the same were read the second time and concurred in, and are as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“MONDAY, P. M., June 18, 1781.

“On motion,

“*Resolved*, That the Receivers of Supplies, in the respective Counties of the State, make out exact and complete returns of the quantities and species of supplies raised or purchased under the act for furnishing supplies, within this State, for the army of the United States, &c., passed the 15th April, 1780, and under the act for procuring an immediate supply of provisions within this State, for the army of the United States of America, &c., passed the 21st day of June, 1780; specifying the places where the same are, or may be deposited; and also exact and complete returns of the quantities and species of those supplies, by them respectively delivered for the use of the United States, together with receipts or certificates of such delivery. And also that the said receivers respectively return perfect lists of the outstanding, uncollected supplies, as taxed for under the first mentioned act, specifying the names of the persons from whom they may be due, with the quantity and species of supply they may be rated for, and after transmit the respective returns, aforesaid, to the General Assembly, at Dover, by the eleventh day of September next.

“That, at the time and place aforesaid, the Receivers of Supplies for the Counties of New Castle and Kent, respectively, render an account of the application of the several sums of money advanced to them by the State Treasurer, in pursuance of the resolutions and orders of the General Assembly in February last.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The resolutions directing returns to be made of all fines and forfeitures imposed in any of the respective Courts of Quarter Sessions of the Peace and the several Courts of Oyer and Terminer and General Goal Delivery in each of the Counties of this State, were read the first time.

By special order, the same were read the second time, concurred in, and are as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“MONDAY, P. M., June 18, 1781.

“On motion,

“*Resolved*, That the Clerks of the respective Courts of General Quarter Sessions of the Peace and also of the several Courts of Oyer and Terminer and General Goal Delivery, in each of the Counties of this State, make out exact and complete lists of all fines and forfeitures imposed in any of the courts aforesaid since the 22d day of February, 1777, and that the respective County Treasurers report an account of all fines, forfeitures and penalties which they may have received, under or by virtue of any law of this State, since the time aforesaid, and how they may have disposed of the same, or any part thereof, and that the said Clerks and Treasurers transmit the same lists and accounts to the General Assembly, at Dover, by the third day of September next.

“*Resolved also*, That the respective Lieutenants of the Counties in this State do attend the General Assembly, at their next sitting, at Dover, on the seventh day of September next, with their books of accounts of all such monies which they may or ought to have respectively received, in virtue of their said office of Lieutenant, under the act of Assembly entitled, ‘An act for establishing a Militia within this State,’ passed the 15th of May, 1778, or under the supplement to the same act, passed the 25th of December, 1779, and in what manner the same monies, or any part, may have been disposed of or applied.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

Mr. Collings, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly requesting the President to obtain exact lists of the several Militia companies in each of the Counties of this State; which, by order, was read the first time.

By special order, the same was read the second time and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, A. M., June 18, 1781.

“ *Resolved*, That the President or Commander-in-Chief be requested to obtain exact lists of the several companies of Militia in each of the Counties of this State, and also the names and number of men furnished by each company, under the ‘Act for embodying the Militia of this State for the purpose of reinforcing the Army of the United States,’ passed the 21st of June, 1780, specifying the number of men which each of the companies of Militia ought to have furnished, by the said act, and that the same be laid before the General Assembly, at Dover, by the tenth day of September next.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl’k of Assembly.”

On motion, by order,

The six before mentioned bills, respectively signed by the Speaker of the House of Assembly, were read, compared, and directed to be signed by the Speaker of the Council ; which was accordingly done.

Ordered, That the said bills and the several preceding resolutions, with the concurrence of the Council thereto respectively, be returned, by Mr. McDonough, to the House of Assembly.

Mr. McDonough, being returned, reported that he had waited on the House of Assembly with the above bills and resolutions, agreeable to order.

Adjourned till to-morrow morning at 9 o’clock.

TUESDAY, A. M., June 19th, 1781.

The Council met. Present the same members as on yesterday.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the additional supplementary bill to the Militia act, with the amendments proposed thereto by the Council in part

disagreed to by the House of Assembly, and a paper of amendments proposed by the House of Assembly to the said amendments of the Council.

On motion, the Council took into consideration the amendments proposed by each House to the above mentioned bill, and after some time spent therein receded from their amendments as disagreed to by the House of Assembly, and agreed to the amendments proposed by that House to the same bill ; whereupon the bill was read by paragraphs and passed the Council.

Ordered, That the said bill and amendments be returned to the House of Assembly by Mr. Polk.

Mr. Polk reported that he had returned the same according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Houston, a member of Assembly, was admitted and delivered the additional supplementary bill to the Militia act, engrossed and signed by the Speaker of the House of Assembly, together with a resolution for affixing the Great Seal to the said bill.

On motion, the foregoing bill was read, compared, and directed to be signed by the Speaker of the Council ; which was accordingly done.

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the foregoing bill was read and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“TUESDAY, P. M., June 19, 1781.

“On motion,

“*Resolved*, That the President and Commander-in-Chief affix
“the Great Seal of this State to the following law :

“An additional supplementary act to the act entitled ‘An act
for establishing a Militia within this State.’

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Clerk of Assembly.”

Ordered, That Mr. Polk return the foregoing bill and resolution, respectively signed by the Speaker of the Council, to the House of Assembly.

Mr. Polk, being returned, reported the delivery thereof according to order.

Then the Council proceeded to the settlement of their per diem wages and mileage incurred at this present meeting, and the account of their Clerk, and the following allowances were made, viz:

To the Honorable Thomas Collins, Esq., as per account, No. 1, ...	£	20	14	0
To John Baning, Esq., as per account, No. 2, ...		16	5	0
To Thomas McDonough, Esq., do., No. 3, ...		22	0	6
To John Clowes, Esq., do., No. 4, ...		14	13	0
To William Conwell, Esq., do., No. 5, ...		13	5	0
To Richard Cantwell, Esq., do., No. 6, ...		17	8	0
To William Polk, Esq., do., No. 7, ...		14	4	6
To Benjamin Vining, Clerk of the Council, No. 8, ...		18	16	3
		£	137	6 3

Resolved, That the Speaker draw orders on the State Treasurer for the payment of the aforesaid respective sums.

Which was accordingly done.

Mr. Cantwell and Mr. Clowes informed the Council that they had received their commissions as fourth Justices of the Courts

of Common Pleas and Orphans' Courts for the Counties of New Castle and Sussex, and thereupon resigned their seats in the Council.

Whereupon

Ordered, That the Speaker issue writs to the Sheriffs of New Castle and Sussex Counties, directing them to hold an election on the first day of October next in each of the said counties, agreeable to the Constitution and Laws of this State, for the choosing of one new member in each of the said counties, in the room of the said Richard Cantwell and John Clowes, Esquires, whose seats have become vacant by their acceptance of the said offices.

Then the Council adjourned to the — day of September next, to meet at the Town of Dover.

MINUTES OF COUNCIL.

OCTOBER, 1781.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Legislative Council of the Delaware State, at the Town of Dover, in the County of Kent, on Saturday, the twentieth day of October, in the year of our Lord 1781, a quorum of the members not attending, the Council adjourned from day to day until Thursday, the 25th instant.

THURSDAY, A. M., October 25, 1781.

The following members attended, viz :

For New Castle County—

*For Kent County—*Thomas Collins.

*For Sussex County—*William Polk.

The return of the Sheriff and Inspectors for the County of New Castle, of the election of a Councillor to fill the seat of Samuel Patterson, Esq., which became vacant on the first day of October last by rotation, being laid on the table, it appears that John Dickinson, Esq., was elected a member of the Council for the County of New Castle, according to the Constitution and Laws of the State.

Mr. Dickinson appeared in the Council.

And it also appears, by a return of the said Sheriff and Inspec-

tors, that Peter Hyatt, Esq., was elected a member of the Council for the said County of New Castle, in the room of Richard Cantwell, Esq., whose seat became vacant by his acceptance of the office of fourth Justice of the Court of Common Pleas and Orphans' Court for the said County, on the said first day of October.

Mr. Hyatt attended.

The return of the Sheriff and Inspectors for the County of Kent of the election of a Councillor, being laid on the table, it appears that John Baning, Esquire, whose seat became vacant by rotation, was reelected a member of the Council for the said County of Kent, on the first day of October last.

Mr. Baning attended.

The return of the Sheriff and Inspectors for the County of Sussex of the election of a Councillor, being laid on the table, it appears that William Conwell, Esquire, whose seat became vacant by rotation, was reelected a member of the Council for the said County of Sussex, on the said first day of October.

And it also appears, by the same return, that John Polk, Esq., (of Broad Creek) was elected a member of the Council for the same County, on the said first day of October, in the room of John Clowes, Esq., whose seat became vacant by his acceptance of the office of fourth Justice of the Court of Common Pleas and Orphans' Court for the said County of Sussex.

Mr. Polk attended.

The Council then proceeded to the choice of a Speaker, and Thomas Collins, Esquire, was chosen.

The Speaker in the Chair, Mr. Benjamin Vining was appointed Clerk of the Council.

Mr. Dickinson took the affirmation, and Mr. Hyatt, Mr. Baning, and Mr. John Polk took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of the State, and then took their respective seats in the Council. [*See note on page 10.*]

Mr. Benjamin Vining also took the oath and subscribed the declaration above mentioned, and took the oath of office as Clerk of the Council. [*See note on page 11.*]

On motion,

Ordered, That Mr. Dickinson and Mr. William Polk be a committee to wait on his Excellency, the President, and inform him that the Council, having met, are ready to receive any business which he may have to lay before them.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee now reported that they had waited on his Excellency, the President, with the message committed to them, according to order, and that he was pleased, in answer, to say, that he had communicated his business to the House of Assembly, by a written message, which he had ordered his Secretary to lay before them, and that the same would, in order, be delivered to the Council.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, October 26, 1781.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., October 27, 1781.

The Council met. Present the same members as on yesterday.

On motion,

Resolved, That Mr. Dickinson, Mr. Hyatt, and Mr. William

Polk be a committee to revise the several Militia laws of this State, and to bring in a bill for reducing them into one body, with such alterations and amendments therein as may be judged expedient.

Adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., October 29, 1781.

The Council met. Present the same members as on Saturday, and also Mr. Cook.

Mr. Bassett, a member of Assembly, was admitted and delivered to the Chair certain resolutions of the House of Assembly for supplying the post at Christiana Bridge with provisions and forage.

On motion, by order, the preceding resolutions were read the first time.

By special order, the same were read the second time.

The same were read a third time, by paragraphs, and concurred in, and are as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ SATURDAY, October 27, 1781.

“ WHEREAS it is expected that General Washington, with a
 “ part of the army under his command, will shortly pass through
 “ this State, by the post at Christiana Bridge, in New Castle
 “ County ; therefore, for the immediate supply of that post with
 “ such provisions and forage as may be wanting on that occa-
 “ sion, it is

“ *Resolved*, That Brigadier-General Patterson, Lieutenant-Col-
 “ onel Henry Darby, Major James Black, and Captain William
 “ McClay, be authorized to procure and purchase, upon the
 “ credit of the Delaware State, such provision and forage as
 “ they, upon consulting with Deputy Quartermaster Yeates,

“shall think necessary for the supply of the army aforesaid in
 “their passage through this State, not exceeding the sum of
 “one thousand pounds, specie, in its value.

“*Resolved, also*, That the General Assembly will, before its
 “rising, provide ways and means for the discharge of the debts
 “so to be contracted, not exceeding the sum before specified, in
 “such manner that the same may be due within four months
 “from the time of contract.

“*Resolved also*, That the gentlemen appointed to the service
 “aforesaid render an account of their contracts and application
 “of the articles so to be obtained to the President or Command-
 “er-in-Chief of this State, as soon after as conveniently may be.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

Ordered, That Mr. William Polk return the preceding reso-
 lutions to the House of Assembly, with the concurrence of the
 Council thereto.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., October 30th, 1781.

The Council met. Present the same members as on yesterday.

Mr. Polk now reported the delivery of the resolutions given to
 him in charge, agreeable to the order of yesterday.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, October 31, 1781.

The Council met. Present the same members as on yesterday.

The committee appointed to revise the several Militia laws of this State, and to bring in a bill for reducing them into one body, being engaged in that business, the Council adjourned till to-morrow morning at 9 o'clock.

THURSDAY, A. M., November 1st, 1781.

The Council met. Present the same members as on yesterday.

Mr. Conwell attended, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and then took his seat in the Council. [*See note on page 10.*]

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for the appointment of a Committee of Accounts.

On motion, by order, the preceding resolution was read the first time.

By special order, the same was read the second time, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ TUESDAY, October 30, 1781.

“ On motion,

“ *Resolved*, That Mr. Latimer, Mr. Barratt, and Mr. Waples
“ be a Committee of Accounts, on the part of this House, and
“ that Colonel Duff wait on the Council with a copy of this reso-
“ lution, and propose the appointment of a committee of their
“ body to join the committee aforesaid.

“ Extract from the minutes.

“ JAS. BOOTH, *Cl'k of Assembly.*”

And thereupon the Council have appointed Mr. Cook and Mr. John Polk to be a committee of their body to join the committee of the House of Assembly above mentioned.

Ordered, That Mr. Conwell return the said resolution to the House of Assembly, with the concurrence and appointment of the Council thereto.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, November 2d, 1781.

The Council met. Present the same members as on yesterday.

The committee appointed to revise the several Militia laws of this State, and to bring in a bill for reducing them into one law, now reported that they had essayed a draught of a bill for that purpose, which was laid on the table for the consideration and amendment of the Council.

On motion, by order, the foregoing bill was read the first time.

On motion of Mr. William Polk, for leave to bring in a bill for revising the "Act against desertion and harbouring deserters, or dealing with them in certain cases," the same was granted to him; whereupon a bill for that purpose was laid on the table, and, by order, read the first time.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, November 3d, 1781.

The Council met. Present the same members as on yesterday.

Mr. Vandyke, a member of Assembly, was admitted and delivered to the Chair a message from the President of the 12th February, 1781, inclosing a circular letter from the President of Con-

gress of the 8th, and two acts of Congress of the 3d and 7th of the same month, for laying an impost of five per cent. on imported and prize goods, together with a letter from the Financier, of the 27th July last, urging a compliance with the said acts, and a bill, proposed by the House of Assembly, founded on the said requisitions of Congress.

On motion of Mr. Dickinson, that a committee of this House be appointed to prepare and bring in a bill for punishing offences committed by persons concerned in seizing and taking vessels out of the harbors and ports within this State, the same was granted; whereupon Mr. Dickinson, Mr. Conwell, and Mr. Hyatt are appointed a committee for that purpose.

Mr. Conwell now reported the delivery of the resolution for the appointment of a Committee of Accounts, according to the order of Thursday last.

On motion, by order,

The President's message, and its inclosures, were severally read, and the said message is in these words, viz :

“Gentlemen of the General Assembly :

“ Having this moment received a circular letter from the President of Congress, with two acts of that honorable body, recommending to the several States to vest in Congress a power to levy, for the use of the United States, certain imposts in the said acts mentioned, I have directed the Secretary to lay the same before your Honors for your consideration.

“ New Castle, 12th Feb., 1781. CÆSAR RODNEY.”

On motion, by order,

The bill to vest in Congress a power to levy an impost on imported and prize goods, &c., was read the first time.

On motion of Mr. Wm. Polk, for leave of absence till Wednesday afternoon next, the same is granted to him.

Adjourned till Monday morning at 10 o'clock.

MONDAY, November 5th, 1781.

The Council met. Present the same members as on Saturday, except Mr. William Polk.

The committee appointed to prepare and bring in a bill for punishing offences committed by persons concerned in seizing and taking vessels out of the ports and harbors of this State, now reported that they had essayed a draught of a bill for that purpose; which was laid on the table, for the consideration and amendment of the Council.

On motion, by order, the foregoing bill was read the first time.

On motion, by order,

The acts of Congress of the 3d and 7th of February last, recommending to the several States to vest in Congress a power to levy imposts on imported and prize goods, and the bill founded thereon, were severally read the second time.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., November 6, 1781.

The Council met. Present the same members as on yesterday,

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a resolution for the nomination of persons to be balloted for as President and Commander-in-Chief of this State.

On motion, by order,

The bill for establishing a Militia within this State, was read the second time.

On motion of Mr. Conwell, for leave to bring in a bill for aiding the discontinuance of the process in the Court of Quarter

Sessions in the County of Sussex, the same was granted ; where-upon a bill for that purpose was laid on the table, and, by order, read the first time.

On motion, by order,

The resolution of the House of Assembly for the nomination of persons to be balloted for as President and Commander-in-Chief of the State, was read the first time.

By special order, the same was read a second time and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ MONDAY, P. M., 5th November, 1781.

“ On motion,

“ *Resolved*, That the House of Assembly will meet the Council, “ in the Council Room, to-morrow, in the afternoon, for the purpose of putting proper persons into nomination to be voted for “ as President and Commander-in-Chief of this State, that place “ being now become vacant by the expiration of the term of the “ late President, Cæsar Rodney, Esquire, agreeable to the Constitution of the State.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence. *Cl'k of the House of Assembly.*”

Ordered, That Mr. Baning return the preceding resolution, with the concurrence of the Council thereto, to the House of Assembly ; and inform them that the Council will be ready to receive the House of Assembly in the Council Chamber, at five o'clock this afternoon, if assented to by the House of Assembly.

Mr. Baning, being returned, reported that he had delivered the said resolution and message, according to order, to the House of Assembly.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The House of Assembly, agreeable to the order of the day, met the Council, in the Council Chamber, for the purpose of putting into nomination persons to be balloted for as President and Commander-in-Chief of this State, when the names of several persons were taken down for the consideration of the members of both Houses.

On motion,

Resolved, That the General Assembly now separate, and meet again, in the Assembly Room, in half an hour, to ballot for a person to supply the place of President of this State.

Then the House of Assembly withdrew.

The Council, agreeable to the proposed time of meeting, met the House of Assembly, in the Assembly Room, and there, in General Assembly, proceeded to the election of a President of this State, and the members of both Houses then present, to wit: seven of the Council and nineteen of the House of Assembly, having prepared tickets with the name of the President to be appointed and put the same into a ballot-box, the Speakers of the two Houses, in the presence of the other members, examined the ballot-box, and it appeared that there were twenty-five votes out of twenty-six in favor of John Dickinson, Esquire; whereupon the said John Dickinson, Esquire, is declared duly elected President for this State for the term of three years next ensuing, and until the sitting of the next General Assembly thereafter, and no longer, agreeable to the Constitution or system of government thereof.

Then the Council withdrew, and adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., November 7th, 1781.

The Council met. Present the same members as on yesterday, and also Mr. Polk.

On motion, by order,

The bill for more effectually punishing and discouraging offences committed in taking vessels out of the harbors of this State, was read the second time.

By special order, the same was read a third time, by paragraphs, and will pass.

Ordered, That the same be transcribed and sent to the House of Assembly, for their consideration and concurrence, by Mr. Hyatt ;

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The bill for aiding the discontinuance of the process in the Court of Quarter Sessions in the County of Sussex, was read the second time.

On motion, by order,

The bill for establishing a Militia within this State, was read a third time, by paragraphs, and will pass.

Ordered that the same be transcribed.

On motion, by order,

The bill for aiding the discontinuance of the process in the Court of Quarter Sessions in the County of Sussex, was read a third time, by paragraphs, and will pass.

Ordered, That the same be transcribed and sent, by Mr. Polk, to the House of Assembly, for their consideration and concurrence.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Polk now reported the delivery of the bill for aiding the discontinuance of the process in the Quarter Sessions in Sussex County, according to order.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., November 8th, 1781.

The Council met. Present the same members as on yesterday.

Ordered, That Mr. Baning deliver to the House of Assembly the bill for establishing a Militia within this State.

Mr. Baning reported the delivery of the same according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair certain resolutions of the House of Assembly for the protection of the trade of the River and Bay of Delaware.

On motion, by order, the foregoing resolutions were read the first time.

On motion, by order,

The bill to vest in Congress a power to levy an impost on imported and prize goods, &c., was read a third time, by paragraphs, and some amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent, by Mr. Conwell, to the House of Assembly, for their consideration and concurrence, together with the President's message and its inclosures.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, A. M., November 9th, 1781.

The Council met. Present the same members as on yesterday.

Mr. Conwell now reported the delivery of the several papers committed to him, according to the order of yesterday.

Mr. Bryan, a member of Assembly, was admitted and delivered to the Chair a bill for raising twenty-three thousand six hundred and twenty-five pounds, in specie, for the service of the year one thousand seven hundred and eighty-two.

The same member also returned to the Chair the bill for aiding the discontinuance of the process in the Court of General Quarter Sessions in the County of Sussex, agreed to by the House of Assembly.

Ordered that the said bill be engrossed.

On motion, by order,

The bill for raising twenty-three thousand six hundred and twenty-five pounds, in specie, for the service of the year one thousand seven hundred and eighty-two, was read the first time.

Mr. Molleston, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly respecting the adjournment of the present sessions; which, by order, was read, and is in these words, viz :

“IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
“FRIDAY, November 9th, 1781.

“On motion,

“*Resolved*, That this House intend to adjourn the present
“sessions to-morrow afternoon to some distant day; and that
“Mr. Molleston wait on the Council with a copy of this resolu-
“tion for their information.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly*.”

On motion,

Resolved, That Mr. McDonough and Mr. Hyatt be a com-
mittee to view the premises mentioned in the petition of John
Lewden, and that they, or any one of them, make report of their
proceedings thereon at the next sitting of the Council.

On motion, by order,

The bill against desertion and harbouring deserters, or dealing
with them in certain cases, was read the second time.

On motion, by order,

The resolutions of the House of Assembly for the protection
of the trade of the River and Bay of Delaware, were read the
second time.

By special order, the same were read a third time, by para-
graphs, and an amendment was proposed and agreed to, and
ordered to be transcribed.

Ordered, That the foregoing resolutions and transcribed amend-
ment be sent, for concurrence, to the House of Assembly by Mr.
Baning;

Who, being returned, reported the delivery thereof according
to order.

Mr. Peery, a member of Assembly, was admitted and deliv-
ered to the Chair the President's message of the 12th February,
1781, and the circular letters and acts of Congress therein referred
to, together with the bill to vest in the Congress of the United

States a power to levy duties of five per centum ad valorem on certain goods and merchandise imported into this State, and on prizes and prize goods condemned in the Court of Admiralty thereof, and for appropriating the same, and the amendments proposed thereto by the Council disagreed to by the House of Assembly.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Doctor Clayton, a member of Assembly, was admitted and delivered to the Chair the resolutions for the protection of the trade of the River and Bay of Delaware, with the amendment proposed thereto by the Council acceded to by the House of Assembly.

On motion, by order, the foregoing resolutions, as amended, were read and concurred in, and are as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ THURSDAY, A. M., November 8th, 1780.

“ On motion,

“ *Resolved*, That the Speakers of the two Houses of the General Assembly of Delaware draw their order on the State Treasurer in favor of Mr. Charles Pope for the sum of three hundred pounds in specie, to be paid out of the money which may be or first may come into the Treasury, to be by him applied for the purpose of protecting the trade of the Bay and River of Delaware.

“ *Resolved also*, That the said Charles Pope is hereby authorized to take the command of the State schooner, now lying at Wilmington, her tackle, apparel and furniture, and such arms, ammunition and other articles, as belong to her, and also the State barge, or long-boat, at the Cross-Roads, in the county of Kent, and put the said vessels into proper order and condition,

“for the purpose aforesaid, and to recommend one suitable person, to the President or Commander-in-Chief of the State, to be commissioned as a Lieutenant of Marines, and to procure by enlistment or otherwise, forty suitable men to serve on board said vessels as seamen and marines, until discharged by the President or Commander-in-Chief of the State; the officers and men to be allowed the like pay, rations, and emoluments, and be subject to the same rules, regulations and provisoes, as are directed by the act of Assembly of this State, entitled, ‘An act for the protection of the trade of this State on the River and Bay of Delaware.’

“The said Charles Pope, as captain and commander of said vessel, and the persons so recommended, to be commissioned in the manner the said act directs.

“*Resolved also*, That the said vessel cruise on the Bay and River of Delaware only, and shall be under the direction and control of the President or Commander-in-Chief of the State, who is hereby empowered to give the officers such instructions from time to time as he shall judge most likely to answer the purpose of protecting the trade of this State on the aforesaid bay and river.

“*Resolved*, That the said Charles Pope shall render and settle the account of his application of the aforesaid sum of money with the President or Commander-in-Chief of the State.

“Extract from the minutes.

“Sent for consideration and concurrence.

“JAS. BOOTH, *Cl'k of Assembly*.”

Ordered, That the foregoing resolutions and amendment be returned, by Mr. Polk, to the House of Assembly, with the concurrence of the Council to the said resolutions.

Mr. Polk, being returned, reported the delivery thereof according to order.

On motion, by order,

The bill for raising twenty-three thousand six hundred and twenty-five pounds, in specie, for the service of the year one thousand seven hundred and eighty-two, was read the second time.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., November 10th, 1781.

The Council met. Present the same members as on yesterday.

On motion, by order,

The bill for raising twenty-three thousand six hundred and twenty-five pounds, in specie, for the service of the year one thousand seven hundred and eighty-two, was read a third time, by paragraphs, and sundry amendments were proposed, agreed to, and ordered to be transcribed.

Mr. White, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An additional supplementary act to the act entitled 'An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the eighteenth day of March last, and for other purposes.'"

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a memorial of Captain James Moore, praying an immediate advance of money toward his pay, with a resolution of the House of Assembly for the payment of fifty pounds, specie, to Captain James Moore.

On motion, by order,

The bill entitled "An additional supplementary act to the act entitled 'An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, &c.,'" was read the first time.

By special order, the foregoing bill was read the second time and postponed for further consideration till the afternoon.

On motion, by order,

The memorial of Capt. James Moore, of the Delaware Regiment, and the resolution of the House of Assembly founded thereon, were severally read the first time.

By special order, the same were severally read the second time, and the said resolution was concurred in, and is in these words, viz :

“ IN THE HOUSE OF ASSEMBLY,
“ SATURDAY, November 10th, 1781.

“ The House resumed the consideration of the memorial of
“ Capt. James Moore, of the Delaware Regiment, and thereupon

“ *Resolved*, That the Speakers of both Houses of the General
“ Assembly draw an order on the State Treasurer for the pay-
“ ment of fifty pounds, specie, to the said Capt. Moore, he to be
“ accountable.

“ Extract from the minutes.

“ JAS. BOOTH, *Cl'k of Assembly.*”

A letter, addressed to the President of the State of Delaware, from William McKennan, Captain in the Regiment of this State, dated Camp near York, October 26, 1781, was opened in Council, and being read, ordered, on motion, that the same be sent to the House of Assembly, with the following verbal message, viz :

Gentlemen :

The Council judge it proper to communicate to you a letter from Capt. McKennan, respecting a detachment of the Regiment of this State under his command, whose wants require immediate attention and relief.

Ordered, That Mr. Conwell wait on the House of Assembly with the foregoing letter and message, and return the bill for raising twenty-three thousand six hundred and twenty-five pounds for the service of the year one thousand seven hundred and eighty-two, with the amendments proposed thereto, Capt. Moore's memorial, and the resolution of the House of Assembly, founded thereon, concurred in by the Council.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair certain resolutions of the House of Assembly for completing the Delaware Regiment.

The same member also delivered to the Chair a petition from Joanna Holland, widow of Capt. Thomas Holland, with a resolution of the House of Assembly for the payment of forty pounds, specie, to the said Joanna Holland.

The Council now proceeded to the third reading, by paragraphs, of the bill entitled "An additional supplementary act to the act entitled 'An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, &c.,'" and sundry amendments were proposed, agreed to, and ordered to be transcribed.

On motion, by order,

The resolutions for completing the Delaware Regiment, were read the first time.

On motion, by order,

The petition of Mrs. Joanna Holland, and the resolution of the House of Assembly, founded thereon, were severally read.

By special order, the said resolution was read the second time, concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,

"SATURDAY, November 10, 1781.

"The House took into consideration the petition of Mrs. Joanna Holland, widow of Capt. Thomas Holland, of the Delaware Regiment, and

"*Resolved*, That an order be drawn by the Speakers of both Houses of the General Assembly on the State Treasurer in favor of the said Joanna Holland, widow of Captain Thomas

“Holland aforesaid, who was slain in the service of the United States at the battle of Germantown, in October, 1777, for the sum of forty pounds, specie, as so much of the half pay of the said Capt. Holland, agreeably to a resolution of Congress of the 24th August, 1780.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The resolutions of the House of Assembly for completing the Delaware Regiment, were read the second time and deferred for consideration until Monday next.

On motion of Mr. John Polk, for leave of absence during the remainder of the present sessions, the same was granted to him.

Adjourned till Monday morning at 10 o'clock.

MONDAY, November 12th, 1781.

The Council met. Present the same members as on Saturday, except Mr. John Polk.

Ordered, That Mr. Baning return to the House of Assembly the bill entitled “An additional supplementary act to the act entitled ‘An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, &c.,’” with the paper of amendments proposed thereto by the Council; Mrs. Joanna Holland’s petition, and the resolution of the House of Assembly founded thereon, concurred in by the Council.

Mr. Baning reported the delivery thereof according to order.

The Council now proceeded to the third reading, by paragraphs, of the resolutions for completing the Delaware Regiment, and sundry amendments were proposed, agreed to, and ordered to be transcribed.

Ordered, That Mr. Cook return the foregoing resolutions and transcribed amendments to the House of Assembly, for their consideration and concurrence.

The Council now took into consideration the amendments proposed by them, and disagreed to by the House of Assembly, to the bill to vest in the Congress of the United States a power to levy duties of five per centum ad valorem on certain goods and merchandise imported into this State, &c., and after some time spent therein adhered to their said amendments as altered by some additional amendments now proposed.

Ordered, That Mr. Cook also return the said bill and amendments to the House of Assembly, for their consideration and concurrence.

Mr. Cook, being returned, reported the delivery of the several papers committed to him, according to order.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., November 13th, 1781.

The Council met. Present the same members as on yesterday.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair the additional supplementary bill to the act entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, &c.," with the amendments proposed thereto by the Council, and a paper of amendments offered by the House of Assembly to the said proposed amendments of the Council.

The same member also delivered to the Chair certain resolutions of the House of Assembly respecting the officers of the Delaware Regiment.

The Council now took into consideration the amendments proposed by the House of Assembly to their amendments to the

supplementary bill to the act entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, &c.," and after some time spent therein agreed to the same.

On motion, by order,

The resolutions of the House of Assembly respecting the officers of the Delaware Regiment, were read the first time.

By special order, the same were read the second time, by paragraphs, and some amendments were proposed, agreed to, and ordered to be transcribed.

Ordered, That Mr. William Polk return to the House of Assembly the foregoing supplementary bill and its amendments, together with the preceding resolutions and the amendments proposed thereto by the Council, for their consideration and concurrence.

Mr. Polk reported the delivery thereof according to order.

Mr. Adams, a member of Assembly, was admitted and delivered to the Chair the resolutions for completing the Delaware Regiment, and the amendments proposed thereto by the Council in part acceded to by the House of Assembly, with a paper of amendments offered by the House of Assembly to the said amendments of the Council.

The Council took into consideration such of their amendments to the foregoing resolutions as were disagreed to by the House of Assembly, and also the amendments proposed by that House to their said amendments, and after some time spent therein they adhered to their fourth amendment, receded from their seventh, and acceded to the amendments proposed by the House of Assembly.

Ordered, That Mr. Baning return the foregoing resolutions, and the several papers of amendments proposed thereto, to the House of Assembly.

Mr. Baning reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Vandyke, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for the payment of one hundred pounds to each of the Delegates from this State to Congress, and the following verbal message, viz :

"Gentlemen :

"The Assembly propose to your honorable House that both Houses meet in the Council Chamber, at five o'clock this afternoon, to receive the answer of John Dickinson, Esq., as to his acceptance of the office of President and Commander-in-Chief of this State, to which he has been elected ; and also to appoint, by ballot, persons to supply two vacant ensigncies in the Delaware Regiment.

"Tuesday, 13th Nov., 1781."

On motion, by order,

The resolution of the House of Assembly for the payment of one hundred pounds to each of the Delegates from this State to Congress, was read the first time.

By special order, the same was read the second time and concurred in, and is in these words, viz :

" IN THE HOUSE OF ASSEMBLY,

" TUESDAY, November 13, 1781.

" On motion,

"Resolved, That the Speakers of both Houses of the General Assembly draw their order on the State Treasurer in favor of the Honorable Thomas Rodney, Nicholas Vandyke, and Thomas McKean, Esquires, the Delegates from this State to Congress, for the sum of one hundred pounds each, the said Delegates respectively to be accountable.

" Extract from the minutes.

JAS. BOOTH,

" Sent for concurrence.

Cl'k of Assembly."

Ordered, That Mr. Conwell return the foregoing resolution, concurred in by the Council, and deliver to the House of Assembly the following answer from the Council to their verbal message of this day, viz :

Gentlemen :

The Council will be ready to receive your honorable House, according to your proposal, in the Council Room, at five o'clock this afternoon.

Mr. Conwell now reported the delivery of the foregoing resolution and message to the House of Assembly, according to order.

Previous to the meeting of the General Assembly in the Council Chamber, agreeable to the order of the day, Mr. Dickinson arose and took his leave of Council, in consequence of his appointment to the office of President, in the following words, viz :

“Mr. Speaker : I am now to take my leave of you and the other gentlemen of the Council, as a member of this body ;
“but, before I go, I beg permission to return my thanks to you
“and them, for the very attentive and respectful treatment I
“have received, while I have had a seat here.

“You, gentlemen, are witnesses, with how much reluctance I
“have been separated from you. I expected, intended, and
“should have been perfectly contented, to have continued among
“you, if such had been the pleasure of the General Assembly ;
“but, in whatever station I serve the State, or wherever I may
“be, I desire you all, gentlemen, to be assured, that I ever
“shall retain a grateful and affectionate remembrance of your
“behavior towards me, and I pray Heaven to bless every one of
“you, in your public and private capacities.”

The House of Assembly met the Council in the Council Chamber, agreeable to the order of the day, to receive the answer of John Dickinson, Esquire, as to his acceptance of the office of President of this State, to which he had been elected. Whereupon Mr. Dickinson arose and addressed the General Assembly on the subject of his appointment to the said office in the following pathetic speech, viz :

"Gentlemen of the General Assembly:

"I thank you for the honour you have conferred upon me, by electing me President of this State. The post, itself, I do not think so great an honour, as the *manner* in which you have bestowed it. *That* conveys a proof of your esteem, which I *feel* to be very valuable and powerful. I give up my inclination for a retired life, to which I am called by so many and such weighty considerations, to your pleasure.

"One *apprehension* I cannot dismiss, that I shall not be able to fill the station to which I am appointed, so advantageously as I wish, or as you may perhaps expect. I will try to compensate for deficiencies in other respects, by my integrity, attachment to the common cause, and the love of my country, to which shall be added all the application my health will bear; yet still, I must request your favorable interpretation of my conduct, and rely, in a great measure, for success on your support.

"Any mistakes I may commit will be of my judgment, never of my intention, and I confide in the candour of my countrymen, that circumstances, unavoidable in the present arduous contest, will not be imputed to errors in administration.

"What laws, now in force, are to be altered or repealed, and what new ones are to be made, it will be your business, gentlemen, to determine. It will be mine to see those which the wisdom of the Legislature approves effectually carried into execution.

"If, in my attempts to discharge this complicated duty, any part of it escapes my attention, I ask, and shall at all times gratefully receive your advice or information.

"As it does not appear to me inconsistent with this duty, so it will be a pleasing employment to consult the ease of the good people of the State, as far as can be done without weakening our exertions in maintaining this just and necessary war, which men of sense and virtue cannot desire.

"May a happy harmony, in sentiment and measures, so beneficial to society, always prevail among us, or, if there must be division, let it only be between those who generously contend for the freedom, independence and prosperity of their country, and such as weakly wish for a dangerous and dishonorable sub-

“mission to enemies so infatuated as to hate where they ought
 “to admire, and to provoke their own and pursue the ruin of
 “these States, though nature and policy point out that we should
 “be blessings one to the other.

“Above all things, gentlemen, let us seriously endeavor to re-
 “commend ourselves and our cause to the adorable Providence
 “that has so graciously conducted us thus far, through a wilder-
 “ness of difficulties, and made, as it were, the sea to give way
 “before us ; and therefore let us more and more promote a spirit
 “of benevolence, equity and liberality, and heartily join together
 “in discouraging every kind of vice and immorality, being as-
 “sured that ‘Righteousness exalteth a nation, but Sin is a re-
 “proach to any people.’”

On motion,

Resolved unanimously, That a certificate of the appointment of John Dickinson, Esquire, to the office of President of this State, signed by the Speakers of the two Houses, and sealed with the Great Seal of the State, be made out and delivered to Mr. President.

On motion,

Resolved, That the Speaker of the Council be authorized to administer as well the qualification of allegiance and declaration of faith, prescribed by the twenty-second article of the Constitution of this State, to the Honorable John Dickinson, Esquire, as the following oath of office, to wit :

“I, John Dickinson, do affirm that I will well and truly, ac-
 “cording to the best of my abilities and judgment, execute the
 “office of President of the Delaware State agreeable to the Con-
 “stitution and Laws thereof.”

Then the General Assembly proceeded to the nomination of persons to be balloted for to supply two vacant ensigncies in the Delaware Regiment, when two persons were named for the consideration of the General Assembly.

Whereupon the General Assembly, there being no more than two persons nominated to fill the said vacancies, proceeded to the ballot, and it appeared that John Vaughn and John Platt were declared duly elected to fill the said vacancies.

On motion,

Resolved, That the said John Vaughn be considered as the first in rank.

On motion,

Resolved, That the General Assembly now separate.

Then the House of Assembly withdrew.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair the certificate of the appointment of John Dickinson, Esquire, to the office of President of this State, in order to be signed by the Speaker of the Council; which was accordingly done; and the said certificate was returned by the same member, in order to be signed by the Speaker of the House of Assembly.

The bill for aiding the discontinuance of the process in the Court of General Quarter Sessions in Sussex County, being engrossed, was read, compared, and ordered to be sent, with the original bill, to the House of Assembly, for comparison, and to be signed by the Speaker of the House of Assembly, by Mr. Cook;

Who, being returned, reported the delivery thereof according to order.

On motion,

WHEREAS Congress, by their proclamation dated the — day of —, have recommended to the several States to set apart Thursday, the thirteenth day of December next, to be observed as a day of public Thanksgiving and Prayer; therefore

Resolved, That the thirteenth day of December aforesaid be set apart throughout this State as a day of public Thanksgiving and Prayer to Almighty God for the purposes in the above-recited proclamation of Congress mentioned, and that the President be requested to publish the same by proclamation.

Ordered, That Mr. William Polk deliver the foregoing resolution to the House of Assembly, for consideration and concurrence.

Mr. Polk reported the delivery thereof according to order.

Mr. Read, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for affix-

ing the Great Seal to four laws passed this session, together with the said laws, respectively signed by the Speaker of the House of Assembly, in order to be compared and signed by the Speaker of the Council, and the several original bills and amendments.

The same member also delivered to the Chair the certificates of the appointment of John Dickinson, Esquire, to the office of President of this State, respectively signed by the Speakers of both Houses, in order that the same may be delivered by the Speaker of the Council to Mr. President; and also the following orders, to be signed by the Speaker of the Council, viz :

To Thomas Rodney, Nicholas Vandyke, and Thomas McKean, Esquires, Delegates from this State to Congress, £100 each, ...	£ 300 0 0
To Colonel David Hall, ...	100 0 0
To Lieutenant Joseph Vaughn, ...	100 0 0
To Major John Patton, ...	75 0 0
To Capt. Peter Jacquet, ...	100 0 0
To Capt. Robert Kirkwood, ...	100 0 0
To Capt. James Moore, ...	60 0 0
To Capt. John Learmouth, ...	60 0 0
To Capt. John Wilson, ...	60 0 0
To Capt. Daniel Powell Cox, ...	60 0 0
To Capt. George Parvis, ...	60 0 0
To Lieut. Charles Kidd, ...	40 0 0
To Lieut. James Campbell, ...	40 0 0
To Lieut. Joseph Horsman, ...	40 0 0
To Lieut. Elijah Skillington, ...	40 0 0
To Lieut. Edward Roche, ...	40 0 0
To Lieut. Henry Duff, ...	40 0 0
To Lieut. Thomas Anderson, ...	40 0 0
To Doct. Reuben Gilder, ...	60 0 0
To Ensign Stephen McWilliam, ...	30 0 0
To Mr. John Vaughan, ...	30 0 0
To Mr. John Platt, ...	30 0 0
To Mrs. Joanna Holland, ...	40 0 0
	£ 1545 0 0

Whereupon the said orders were directed to be signed by the Speaker of the Council; which was accordingly done.

On motion, by order, the several foregoing bills, respectively signed by the Speaker of the House of Assembly, were read and compared, and directed to be signed by the Speaker of the Council ; which was done accordingly.

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the foregoing bills, was read and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY, November 13, 1781.

“On motion,

“*Resolved*, That the President and Commander-in-Chief affix “the Great Seal of the State to the following laws, to wit :

1. “An act for raising twenty-three thousand six hundred and twenty-five pounds, in specie, for the service of the year one thousand seven hundred and eighty-two ;”

2. “An act to vest in the Congress of the United States a power to levy duties of five per centum ad valorem on certain goods and merchandise imported into this State, and on prizes and prize goods condemned in the Court of Admiralty thereof, and for appropriating the same ;”

3. “An act for aiding the discontinuance of the process in the Court of General Quarter Sessions of the Peace and Goal Delivery in the County of Sussex ;”

4. “An additional supplementary act to the act entitled ‘An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the eighteenth day of March last, and for other purposes,’ passed at New Castle, on the twelfth day of February, one thousand seven hundred and eighty-one.”

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

Mr. Vandyke, a member of Assembly, was admitted and delivered to the Chair the resolution of the Council for appointing

Thursday, the thirteenth day of December next, to be observed as a day of Thanksgiving and Prayer, with the concurrence of the House of Assembly thereto.

The same member also delivered to the Chair the resolutions of the House of Assembly for completing the Delaware Regiment, with the amendments proposed thereto by the Council acceded to by the House of Assembly.

The same member also delivered to the Chair a resolution of the House of Assembly empowering the President to draw for money for contingent services; and also certain resolutions of the House of Assembly for the pay and clothing of the Delaware Regiment.

The same member also delivered to the Chair a resolution of the House of Assembly for the payment of one hundred pounds to William Millan, together with an order, signed by the Speaker of the House of Assembly, for thirteen hundred pounds, specie, in favor of George Craghead, Esq., the Clothier-General of this State, in order to be signed by the Speaker of the Council.

On motion, by order,

The resolutions of the House of Assembly respecting the officers of the Delaware Regiment, as amended, were read and concurred in, and are as follows, viz :*

On motion, by order,

The resolution empowering the President to draw for money for contingent services, was read, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ TUESDAY, November 13, 1781.

“ On motion,

“ *Resolved*, That his Excellency, the President and Commander-in-Chief of this State, be and he is hereby empowered
“ to draw his orders on the State Treasurer for any sum, not exceeding one thousand pounds, in order to defray expenses for

* These resolutions are not recorded.

“contingent public services that may arise in the recess of the
“present General Assembly, he to be accountable.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The resolutions of the House of Assembly for the pay and
clothing of the Delaware Regiment, were read and concurred in,
and are as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“TUESDAY, 13th November, 1781.

“On motion,

“*Resolved*, That the Speakers of the two Houses of the Gen-
“eral Assembly draw their order in favor of George Craghead,
“Esq., the Clothier of the State, on the State Treasurer, for four
“hundred and seventy-five pounds, in specie, for the purpose of
“an immediate supply of two hundred shirts, one hundred woolen
“waistcoats, one hundred pair of woolen overalls, one hundred
“pair of socks, one hundred pair of shoes, fifteen coats and fifty
“blankets, for the use of the detachment under the command
“of Capt. McKennan.”

“That the Speakers, aforesaid, draw their order on the State
“Treasurer, in favor of the Clothier-General, aforesaid, for eight
“hundred and twenty-five pounds, like money, for the purpose
“of a supply of one hundred and fifty coats, one hundred and
“fifty woolen waistcoats, one hundred and fifty woolen overalls,
“three hundred shirts, one hundred and fifty hats, one hundred
“and fifty pair of socks, and three hundred pair of shoes, for the
“use of the Delaware troops in the Southern army, under the
“command of General Green.”

“That the Clothier-General make application to the Board of
“War, in order to obtain the above articles of clothing, or as
“many of them as may be procured in that way, and that the
“said George Craghead make exact and particular returns of the
“articles he may so procure, and also render his account of the
“expenditure of the money he may receive, to the General As-
“sembly, at their next meeting.”

“That orders be drawn, in manner aforesaid, in favor of the

“officers of the Delaware Regiment, for the following sums of money, in specie, on account of their pay, to wit: to Colonel David Hall, one hundred pounds; Lieutenant-Colonel Joseph Vaughan, one hundred pounds; Major John Patten, seventy-five pounds; Captains Robert Kirkwood and Peter Jaquet, each, one hundred pounds; Captains John Learmouth, John Wilson, Daniel Powel Cox and George Parvis, sixty pounds, each; Captain James Moore, ten pounds in addition to the fifty pounds ordered to be paid to him by this present General Assembly; Reuben Gilder, Surgeon, sixty pounds; Lieutenants Henry Duff, James Campbell, Joseph Horsman, Elijah Skillington, Charles Kidd, Edward Roche and Thomas Anderson, forty pounds each; Ensign Stephen McWilliam, thirty pounds; and John Vaughn and John Platt, volunteers in the said regiment, thirty pounds each.”

“That an order be drawn, in the same manner, for the payment of one month’s pay for the non-commissioned officers and privates of the Delaware troops in the Southern army, aforesaid, to such person as shall be appointed by the President of the State to receive the same, and to be by such person immediately remitted to them.

“That it be recommended to the President to issue his orders to the officers of the Delaware Regiment now in the State (Captain Moore excepted), and not prisoners of war, that as soon as they may severally receive the sum directed to be drawn on their behalf, as above mentioned, they do repair to their regiment so that the officers thereof, now with General Green may, if they think proper, apply for leave of absence for a time, and their places supplied by such as are within the intent of this resolution.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

On motion, by order,

The resolution of the House of Assembly for the payment of one hundred pounds to William Millan, was read, considered, and rejected.

Ordered, That the order in favor of George Craghead, Esq., for thirteen hundred pounds, be signed by the Speaker.

Ordered, That the several bills and resolutions before mentioned, respectively signed by the Speaker of the Council, be returned to the House of Assembly by Mr. Cook ;

Who, being returned, reported the delivery thereof according to order.

Adjourned till 9 o'clock to-morrow morning.

WEDNESDAY, November 14th, 1781.

The Council met. Present the same members as on yesterday.

The Speaker of the Council now waited on Mr. President, and being returned, reported to the General Assembly that he had administered as well the qualification of allegiance and declaration of faith, prescribed by the twenty second article of the Constitution of this State, as the oath (or affirmation) of office, to his Excellency, John Dickinson, Esquire, President of the Delaware State, in pursuance of certain resolutions of the General Assembly of yesterday.

Thereupon

Ordered, That the Speaker issue a writ to the Sheriff of New Castle County, directing him to hold an election on Thursday, the 20th day of December next, agreeable to the Constitution and Laws of this State, for the choosing of one new member of the Legislative Council for the said county, in the room of John Dickinson, Esquire, whose seat became vacant by his acceptance of the office of President of this State.

Which was accordingly done.

Then the Council proceeded to the settlement of the per diem wages and mileage of their members at their present meeting, and the following accounts were allowed, viz :

To the Honorable Thomas Collins, Esq., for 23 days' attendance in Council, ...	£ 25	7	6
To John Baning, Esq., for 20 days' attendance, . . .	17	10	0
To Peter Hyatt, Esq., for 23 days' attendance and mileage, ...	21	12	6
To William Conwell, Esq., for 16 days' attendance and mileage, ...	15	16	0
To John Polk, Esq., for 20 days' attendance and mileage, ...	20	0	0
To John Cook, Esq., for 17 days' attendance and mileage, ...	15	8	6
To William Polk, Esq., for 21 days' attendance and mileage, ...	19	9	6
To John Dickinson, Esq., for 21 days' attendance and mileage, ...	20	9	6
To Benjamin Vining, Esq., for 20 days' attendance as Clerk, &c., ...	23	10	0
	£ 179	3	6

Ordered, That the Speaker draw orders on the State Treasurer for the payment of the aforesaid several sums.

Which was accordingly done.

Then the Council adjourned till the 2d day of January next, to meet at the Town of Dover.

MINUTES OF COUNCIL.

JANUARY, 1782.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1782.

At a meeting of the Legislative Council of the Delaware State, at the Town of Dover, on Wednesday, the 2d day of January, in the year of our Lord one thousand seven hundred and eighty-two, a sufficient number of the members to form an House not attending, the Council adjourned from day to day until Wednesday, the 9th instant.

WEDNESDAY, January 9th, 1782.

The Council met. Present the following members, viz :

For New Castle County—Mr. McDonough, Mr. Hyatt.

For Kent County—The Hon. Thomas Collins, Mr. Baning.

For Sussex County—Mr. John Polk.

On motion,

Resolved, That the Council adjourn till Tuesday next, at three o'clock in the afternoon.

TUESDAY, P. M., January 15, 1782.

The Council met, but a quorum of the members not attending, the Council adjourned from day to day until Tuesday, the 22d instant.

TUESDAY, January 22d, 1782.

The Council met. Present the same members as on Tuesday last, and also Mr. Cook and Mr. William Polk.

The return of the Sheriff and Inspectors for the County of New Castle, of the election of a Councillor to fill the seat of John Dickinson, Esq., which became vacant by his acceptance of the office of the President of this State, being laid on the table, it appears that Isaac Grantham, Esq., was elected a member of the Council, on the twentieth day of December last, agreeable to the Constitution and Laws of the State.

Mr. Grantham appeared, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and then took his seat in the Council. [*See note on page 10.*]

On motion,

Ordered, That Mr. McDonough and Mr. Cook be a committee to wait on his Excellency, the President, and acquaint him that the Council, having met, are ready to receive any business he may have to lay before them.

The committee, being returned, reported that they had waited on the President with the message committed to them, according to order, and that he was pleased, in answer, to say that he had laid some business of great importance before the House of Assembly, which, in due course, would come before this House.

The committee appointed to view the premises mentioned in

the petition of John Leuden, now reported that they had viewed the same, and are of opinion that the prayer of the said petition, as therein set forth, may be granted ; whereupon,

On motion of Mr. McDonough, that a committee be appointed to prepare and bring in a bill founded on the said petition, the same was granted.

The gentlemen chosen : Mr. Hyatt, Mr. McDonough, and Mr. William Polk.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till to-morrow morning.

WEDNESDAY, A. M., January 23d, 1782.

The Council met. Present the same members as on yesterday.

The committee appointed to prepare and bring in a bill founded on the petition of John Leuden, now laid on the table a bill for that purpose entitled "A further supplementary act to the act entitled 'An act for the better regulation of the roads in New Castle County ;' " which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill entitled "A further supplementary act to the act entitled 'An act for the better regulation of the roads in New Castle County,' " was read the second time.

By special order, the same was read a third time, by paragraphs, and will pass.

Ordered, That the said bill, together with the foregoing petition, be sent to the House of Assembly, for their concurrence, by Mr. Cook ;

Who, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, January 24th, 1782.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, A. M., January 25, 1782.

The Council met. Present all the members, except Mr. Conwell, Mr. Cook, and Mr. Polk.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a message from the President to the General Assembly, of the 19th instant, with its inclosures.

The same member also delivered to the Chair a new map of the western parts of Virginia, Pennsylvania, Maryland, and North Carolina, with several reports and papers relative to the claims of Virginia, &c.

The same member also delivered to the Chair the supplement to the act entitled "An act for regulating and establishing fees," with an amendment proposed thereto by the House of Assembly.

On motion, by order,

The President's Message, and its inclosures, were severally read, and the said message is in these words, viz :

"Gentlemen of the General Assembly :

"The Secretary will lay before you several acts of Congress, dated October the 30th, November the 2d, 12th, and 23d, December the 4th, 10th, 11th, and 17th, and January the 2d, with letters from the President of that honorable body, and the Financier, relative to the subject of those acts.

"Some of these are of so important a nature, that our utmost exertions to comply with the requisitions founded upon them will be the best measures we can possibly pursue to attain and secure the blessings for which we are contending.

"The successes of the last campaign, obtained, under the favour of Divine Providence, by the distinguished abilities of the Commander-in-Chief, the generous aid of the monarch who does honour to the exalted station he holds, the gallantry and good conduct of his troops, and of the *American* officers and soldiers, in every scene of action—the unparalleled harmony between the combined forces, promising all the fruits of a perfect and permanent amity, the militia rivaling veterans in bravery

“and discipline—our recovery from the distresses of a depreciated currency—the resources open to our view—the vigorous and economical administration taking place in our finances—the enterprising and public spirit of the mercantile part of the community, giving motion to so many springs in the system of government—the unanimity of the people, in asserting and defending their independence, are circumstances of such moment as to present a prospect of the most prosperous events, if the opportunities they offer are seized with decision and improved with wisdom.

“They are, however, but steps in our progress to political happiness, and by looking back too earnestly upon them, we may yet forfeit the inestimable prize we wish to crown our labours with at the conclusion of the course.

“In a contest so deeply interesting to us and our posterity, we ought to think nothing done while anything remains to be done. Our conduct should be regulated by the temper, ability, and even the errors of our enemies. Confiding in their wealth and strength, animated by the remembrance of former victories, and irritated by a resistance subverting the foundations laid by their wise ancestors, for more than *Roman* grandeur, they discover a fixed resolution to persist, in defiance of every difficulty and danger, in their attempts to recover their immense losses, aggravated, as they must be, by a consciousness of their own imprudence. Thus stimulated they dare a complication of wars, face their foes on every side, and combat in every quarter of the Globe; demonstrating the prodigious supplies of hostility accumulated by a great and long established commercial power, exhibiting a memorable instance of the destructive diligence and obdurate perseverance excited by the rage of ambition.

“If all this profusion of blood and treasure cannot obtain the principally desired and dreadful end of subjugating these States, we should remember it has been declared, in a manifesto published by the commissioners appointed under the Great Seal of *Britain*, and of which no disapprobation could be obtained from either House of Parliament, a secondary end may be answered—that of rendering, by the EXTREMES of war and desolation, our connection with *France* of as LITTLE AVAIL to her as POSSIBLE.

“How far this avowed principle has heretofore influenced the military operations on this Continent, it is needless to say : how far it is to influence the future, let the past determine ; but whatever our sufferings have been, it is worthy of consideration, whether part of them may not be imputed to our mistakes.

“We, knowing that a vast majority of the inhabitants of these States will, at every hazard, maintain their independence, now indispensably necessary for supporting their honour and happiness, and desire no peace but upon this ground, and that not one in an hundred would risk life or property for reconciliation on any other terms, have relied too much on this solid mass of opposition. Relaxation ensued, and has been followed by its natural consequences. Happily for us, indeed, virtue has frequently paid the arrears of prudence.

“On the other hand, our enemies, viewing the same object through the deceiving mediums of passion and prejudice, believe that the thinness of our battalions, and the dilatoriness of our supplies, are, in a great degree, occasioned by the disaffection of large numbers to our cause. This error produces another, and leads them to expect a dissolution of public credit, from dissatisfaction at the burthens imposed, and a flattering comparison between their funds, supposed by them to be almost inexhaustible, and the scantiness of our revenues.

“Inattentive to the smallness of the debt we have contracted during the war, and the heavy load it has laid upon them, they seem not to advert to the difference of effects such national incumbrances must produce in a country prospering by manufactures, and another that little depends on such employments ; and while an increase of our burthens only adds to the odium against the original unprovoked authors of them, they will not duly estimate the calm and steady resentment of injured and insulted innocence, and never reflect how much of their property they cheerfully spare, who are ready to part with the whole, for preserving their freedom.

“Another error of our enemies, if they really believe it, or an artful insinuation, if they do not, deserves notice, as their disguised emissaries endeavor to disseminate it among us. They suppose, or surmise, that such a cordial friendship can never be formed between us and the subjects of our ally, as with them-

“selves, because of the dissimilarity of government, laws, manners, customs, religion and language. There was a time when hereditary habits of thinking would easily have admitted this doctrine. It is past. The hard-hearted policy of Great Britain, and the just and wise magnanimity of France, have restored to us the impartial exercise of our judgment; and stating the case of a connection between us and each of those kingdoms, the very line of distinction, that has been drawn, will remove apprehensions with respect to the latter that must exist as reasonable for want of it, and on account of the late separation, as peculiarly forcible against the former. Mutual interests, liberal sentiments, and fair dealing, are better promoters of concord between nations than resemblances that may prompt and cause deceptions, and which we feel to have given edge and extension to the fury of those, who now, with preposterous ingenuity, urge them as sources of affection.

“If America now rises to a full display of her temper and ability, correspondent to the desires and efforts of our illustrious ally, she will dispel the errors that have been so fertile of evil, and may, in a short time, realize the proposed reward of her toils, not otherwise perhaps to be obtained but by a tedious struggle, great expense, and renewed losses.

“When such a measure is recommended by the Council that presides over the common interests of the Union, and whose comprehensive survey of affairs must certainly have suggested to them cogent reasons for recommending it in the manner they have done, I am perfectly convinced, from my knowledge of your zeal, that every possible exertion will be made on your part. Permit me only to add, that I cannot but ardently wish this State may have the merit of being distinguished by the earliest punctuality of compliance.

“Gentlemen—The Secretary will also present to you two letters from the Commander-in-Chief to me, dated the 3d and 15th of December, concerning the establishment of a temporary hospital, at Wilmington, for sick soldiers returning from Virginia, with several papers relative to that business.

“Humanity, and a just respect for his Excellency’s sentiments, induce me to pursue every measure within my power that appeared likely to save the lives and alleviate the distresses of the brave and good men whose relief was intended. I am

“informed that these measures have been of use, and hope they
“will meet your approbation.

“I have directed a letter from General Greene, of October the
“24th, one from the Secretary of Foreign Affairs, of November
“the 12th, and another from the Board of War, of the 19th of
“the same month, to be delivered to you, as they contain mat-
“ters that will require your consideration.

“Immediately after my going to Philadelphia, as I was well
“acquainted with your solicitude to have the execution of your
“late resolutions respecting the clothing of our regiment expe-
“dited, I applied to the Secretary of War. His letters, of the 3d
“and 4th of December, are now sent. By the information
“I received from him, and afterward from the Financier, I
“thought it improper that any further steps should be taken
“until your pleasure could be known on the new circumstances
“that have occurred; but there are deficiencies as to the clothing
“of the officers that deserve, and therefore, I am assured, will
“engage your early and effectual attention. I have desired the
“Clothier to lay his accounts before you.

“The Legislature has not yet acted upon a resolution of Con-
“gress dated the thirteenth of last June, respecting the officers
“of the Hospital and Medical Department.

“The greatest dispatch was made in getting the schooner be-
“longing to the State ready, in pursuance of your directions.
“She sailed on the 20th day of November, and protected our
“trade to advantage, until she was driven into port by a vessel
“from New York, of superior force. I have reason to believe
“that there will be a coöperation in Pennsylvania, next spring,
“with a similar measure. If it is not disagreeable to you, I will
“endeavour to procure the concurrence of the State of New Jer-
“sey.

“The recruiting service has been begun, and promises the
“happiest success. The gentleman appointed to superintend it
“will soon report his proceedings.

“On the 20th of November, I wrote to all the Receivers of
“Supplies, desiring them to make returns of the supplies deliv-
“ered, mentioning the articles, quantities, condition, and dis-
“tances from landings. I have had no answer but from the
“Receiver for New Castle County.

“As we shall be charged with an interest on the deficiencies of those supplies, the collection of them should be enforced, or else, they should be changed into taxes, in specie, and I should be glad if the Legislature would consider whether this is not the most eligible mode. There are other deficiencies of taxes that require a like adjustment.

“I have the pleasure of informing you, that our quota of the Continental Bills, except a very inconsiderable balance, is transmitted to the Treasurer of the United States.

“The supplies that you so prudently ordered to be provided at the post of Christiana Bridge, for the army on its return from York, have been furnished at a less expense than was expected, as appears by the account of the Commissioners. It is with particular satisfaction I can say that the service has been performed in a manner very acceptable to the troops, and reputable to the State.

“Gentlemen—As delegates in Congress are now to be appointed, and a representation cannot consist of less than two, an addition to the usual number appears to be necessary. Many questions of the first magnitude will very shortly be agitated in that assembly. The interest and dignity of the State are concerned in its regular representation. It is to be observed, that this is a very proper time to give instruction, to those who may be appointed, to use the strictest diligence in procuring the claims of boundaries to be immediately settled upon just principles.

“I esteemed it my duty to obtain all the information I could on this momentous business, and the Secretary will deliver some important documents and papers on that head, as also on the right to the islands in the Delaware.

“The Militia laws should be explained, amended, and reduced into one act. The public welfare requires that this mode of defence should be put upon a more respectable footing.

“I beg leave, also, to recommend the passing of laws for more effectually preventing insults to the State, by taking vessels out of its harbors; for establishing a Court of Admiralty and defining its jurisdiction; for establishing a Naval Office; for regulating trade and navigation; for establishing one Judge of

“the Supreme Court and of Oyer and Terminer, when he alone
 “attends to do any judicial act except the trying of causes, and
 “for the award of *tales de circumstantibus* in such manner that
 “the administration of justice may not be delayed ; for the revi-
 “val of proceedings in the Court of Oyer and Terminer for Sus-
 “sex County ; and for better securing and escorting prisoners of
 “war and deserters, upon which occasions a contract for the
 “rations that may be necessary appears to be the cheapest
 “method of providing them.

“JOHN DICKINSON.”

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, January 26th, 1782.

The Council met and adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill entitled “A supplement to the
 act entitled ‘An act for regulating and establishing fees,’ ” and
 the amendment proposed thereto by the House of Assembly,
 were read the second time, and an amendment was proposed by
 the Council to the said amendment offered by the House of As-
 sembly.

Ordered, That the foregoing amendment be transcribed and
 sent, for concurrence, to the House of Assembly, with the said
 bill and amendment proposed by that House, by Mr. McDon-
 ough ;

Who, being returned, reported the delivery thereof according
 to order.

Adjourned till Monday morning at 10 o'clock.

MONDAY, January 28th, 1782.

The Council met and adjourned till to-morrow.

TUESDAY, A. M., January 29th, 1782.

The Council met. Present all the members, except Mr. Conwell and Mr. John Polk.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair the bill entitled "A supplement to the act entitled "An act for regulating and establishing fees,"" with their amendment, and also the amendment proposed by the Council to the said bill rejected by the House of Assembly.

The Council took the foregoing amendments into consideration, and agreed to the amendment proposed by the House of Assembly, and receded from their own amendment proposed.

Ordered, That the said bill be engrossed.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the foregoing bill, being engrossed, was read, compared, and ordered to be sent to the House of Assembly, by Mr. Hyatt, for comparison, and to be signed by the Speaker of that House, together with the original bill and the several papers of amendments proposed thereto.

Ordered also, That Mr. Hyatt deliver to the House of Assembly the President's message and its inclosures.

Mr. Hyatt, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, January 30th, 1782.

The Council met. Present the same members as on yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Charles Polk, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act for the protection of the trade of this State on the River and Bay of Delaware."

The same member also delivered to the Chair an act of Congress of the 11th December, 1781, recommending to the Legislatures of the several States to cause to be taken the number of white inhabitants thereof, together with a resolution of the House of Assembly to ascertain the number of white inhabitants within this State.

On motion, by order, the foregoing bill was read the first time.

On motion, by order, the foregoing act of Congress, and the resolution of the House of Assembly to ascertain the number of white inhabitants within this State, founded thereon, were severally read the first time.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., January 31st, 1782.

The Council met. Present the same members as on yesterday.

On motion, by order,

The bill for the protection of the trade of this State on the River and Bay of Delaware, was read the second time and postponed for consideration till the afternoon.

On motion, by order,

The resolution of the House of Assembly to ascertain the number of white inhabitants within this State, was read the second time and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ WEDNESDAY, January 30, 1782.

“ On motion,

“ *Resolved*, That the several Collectors of the public Taxes in
“ each Hundred of the respective Counties within this State do,
“ by the best ways and means in their power, inform themselves
“ of the number of all white persons within their respective hun-
“ dreds, and return an exact list thereof, on oath or affirmation
“ and under their hands, to the General Assembly at their next
“ meeting, distinguishing therein the number of each sex, male
“ and female, of the age of eighteen years and upwards, and the
“ number of each sex under that age.

“ That the General Assembly will make provision for the pay-
“ ment of the Collectors for the service aforesaid.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill for the protection of the trade of this State on the River and Bay of Delaware, was read a third time, by paragraphs, and will pass.

Ordered, That Mr. William Polk return the same to the House of Assembly, together with the resolutions of that House to ascertain the number of white persons within this State, concurred in by the Council, and the act of Congress of the 11th December 1781, accompanying the same.

Mr. Polk reported the delivery thereof according to order.

Adjourned till to-morrow morning.

FRIDAY, February 1, 1782.

The Council met. Present the same members as on yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a message from the President to the General Assembly, of the 28th ultimo.

The same member also delivered to the Chair certain resolutions of the House of Assembly for accelerating the recruiting

service, together with certain papers and a letter from Captain James Moore relative to that service.

Mr. Bassett, a member of Assembly, was admitted and delivered to the Chair a bill to remedy the defects that have arisen in the execution of an act of Assembly entitled "An act for embodying a number of the Militia of this State for the purpose of reinforcing the Army of the United States," together with the report of the committee of the House of Assembly on the act for embodying a number of the Militia, &c.

On motion, by order,

The President's message was read the first time, and is as follows, viz :

"Gentlemen of the General Assembly :

"My duty obliges me to represent to you, that part of the ordinance of Congress, dated the fourth day of December last, concerning captures, is likely to prove particularly and extremely detrimental to this State. Upon recaptures not made until the expiration of twenty-four hours after the capture, there is to be no restitution of any part. This regulation was adopted by Congress, I believe, for the purpose of conforming therein to the practice of other nations. So far it may be proper. But I apprehend there ought to be a distinction made between captures in common cases, and captures of vessels employed in the coast trade, for the sole purpose of carrying the produce of the country to market within the country, and always navigating between lands on each side, without ever passing into the open sea. The capture of such vessels is almost always made within cannon shot of the shore, frequently within the body of a county. They generally continue in or near the places where they are taken for upwards of twenty-four hours, and, in every instance that has come to my knowledge, the recapture has been made by citizens of some of the United States. I therefore think, that with strict propriety, such recaptures should be put upon the same footing with recaptures of property originally captured on land, which is to be restored to the former owner upon payment of a reasonable salvage, not exceeding one-fourth of the value ; no regard being had to the time of possession by the enemy.

“If the present regulation continues in force, the damage to this State must be exceedingly great, if not irretrievable, during the war. We have but very few shallops left, and the difficulty of procuring more is well known. If the property of those that remain is to be divested in the manner above mentioned, it is highly probable that in a short time we shall not have a shallop belonging to any citizen of this State. Of consequence, we shall not be able to send our produce to market.

“If this matter appears in the same light to you that it does to me, I hope it will be judged advisable to instruct the Delegates of this State to use their utmost endeavors to obtain immediately an alteration of the ordinance in this particular.

“The law for prohibiting persons from trading with the enemy, requires many amendments. I am informed that sometimes vessels are loaded, and lie in harbor, or sail under such suspicious circumstances, as denote an intention of falling into the hands of the enemy by collusion. I sincerely wish the wisdom of the Legislature may devise the most effectual means for preventing or punishing such conduct, as also the practice of going to boats or vessels in the bay or river, and corresponding with the enemy, without legal authority.

“The Secretary will lay before you several letters, dated December the 24th and January the 3d and 10th, and a report of Captain Moore’s proceedings in the recruiting service, with some observations on that subject.

“It does not appear that power has been expressly given to me to appoint a person in Mr. Montgomery’s place on his resignation. I understand that great delay, in settling the accounts, has been occasioned by the distance at which the Commissioners reside from one another. I therefore beg leave to submit to your consideration, whether it may not be best, in filling up the vacancy, to appoint some person living nigh to Mr. McComb, as there will then be two Commissioners near the centre of the State.

“The Secretary will also lay before you a copy of the instructions to the commander of the State schooner, and his letter to me of the 14th of December. A former letter, therein referred to, never came to my hand. The diligence, activity, bravery, and good conduct of this worthy officer, deserve great praise.

“JOHN DICKINSON.

“Dover, January 28, 1782.”

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair the act for more effectually punishing and discouraging offences committed in taking vessels out of the harbors of this State, together with a paper of amendments proposed thereto by the House of Assembly; which were read, considered and agreed to.

Ordered that the said bill be engrossed.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., February 2d, 1782.

The Council met. Present the same members as on yesterday.

On motion, by order,

The bill for punishing and discouraging offences committed in taking vessels out of the harbor of this State, being engrossed, was read and compared, and ordered to be sent to the House of Assembly for comparison, and to be signed by the Speaker of that House.

On motion, by order,

The resolutions of the House of Assembly for accelerating the recruiting service, were read the second time, and an amendment was proposed and agreed to.

On motion, by order,

The bill entitled "An act to remedy defects that have arisen in the execution of an act of Assembly entitled 'An act for embodying a number of Militia of this State for the purpose of reinforcing the Army of the United States,'" was read a second time, and an amendment was proposed and agreed to, and ordered to be transcribed.

Ordered, That the said bill and transcribed amendment; the resolutions for accelerating the recruiting service, with its trans-

cribed amendment; the President's message and Capt. Moore's letter and papers relative to the recruiting service, be sent to the House of Assembly by Mr. McDonough; who is also appointed to deliver the bill for more effectually punishing and discouraging offences committed in taking vessels out of the harbors of this State, to the House of Assembly.

Mr. Collings, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to increase the powers of the Justices of the Supreme Court, and for other purposes;" which, by order, was read the first time.

Mr. McDonough now reported the delivery of the papers committed to him.

Mr. Charles Polk, a member of Assembly,* was admitted and delivered to the Chair the following verbal message from the House of Assembly to the Council, viz :

"Gentlemen :

"The House of Assembly propose to your honorable body
 "that both Houses meet in the Council Chamber, at 3 o'clock
 "this afternoon, to put in nomination persons to be balloted for
 "as Delegates to represent this State in the Congress of the
 "United States for the present year.

"Dover, Feb. 2, 1782."

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The Council took into consideration the verbal message from the House of Assembly delivered in the forenoon, and thereupon

Resolved, That the following answer to the same be sent to the House of Assembly, viz :

Gentlemen :

The Council assent to your proposal contained in your verbal message, and will be ready to receive your honorable House at three o'clock this afternoon.

Dover, Feb. 2d, 1782.

Ordered, That Mr. Grantham deliver the same to the House of Assembly.

Mr. Grantham reported the delivery thereof according to order.

The House of Assembly met the Council, in the Council Chamber, agreeable to the order of the day, to put into nomination persons to be balloted for as Delegates to represent this State in the Congress of the United States for the present year, when several persons were nominated, whose names were taken down for the consideration of the members.

On motion,

Resolved, That four persons be elected to represent this State in the Congress of the United States for the present year.

Then the General Assembly proceeded to the ballot, and upon examining the box containing the ballots, it appeared that Philemon Dickinson, Thomas McKean, Cæsar Rodney, and Samuel Wharton, Esquires, were declared duly elected Delegates from this State to the Congress of the United States for the present year.

Resolved, That the General Assembly now separate.

Then the House of Assembly withdrew.

On motion, by order,

The bill entitled "An act to increase the powers of the Justices of the Supreme Court, and for other purposes," was read a second time.

On motion of Mr. William Polk, for leave of absence until 12 o'clock on Monday next, the same was granted to him.

Adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., February 4, 1782.

The Council met. Present all the members as on Saturday, except Mr. John Polk.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the bill for establishing a Militia within this State, with a paper of amendments proposed thereto; which were read, considered and agreed to, except as to their sixth, twelfth and thirteenth amendments.

Ordered, That Mr. Baning deliver the said bill and paper of amendments to the House of Assembly.

On motion, by order,

The bill entitled "An act to increase the powers of the Justices of the Supreme Court, and for other purposes," was read a third time, by paragraphs, and some amendments were proposed, agreed to, and ordered to be transcribed and sent therewith to the House of Assembly, for their consideration and concurrence, by Mr. Cook.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Baning now reported the delivery of the several papers committed to him, according to order.

Mr. Barratt, a member of Assembly, was admitted and delivered to the Chair a copy of a letter from Alexander Hamilton, Esquire, (Aid-de-Camp) dated at Headquarters, Middle Brook, April 20th, 1779, and addressed to the commanding officer of the Delaware Regiment, inclosing an act of Congress of the 16th December, 1778, for annexing Capt. McLane's company to the

Delaware Regiment; and also a resolution of the General Assembly of the 1st June, 1779, annexing Capt. McLane's company to the Delaware Regiment, together with certain resolutions of the General Assembly, dated October 31, 1780, empowering the State Treasurer to purchase a sum of money, in specie, for the benefit of the officers of the Delaware Regiment who were made prisoners on Long Island, &c.; and also a certificate, under the hand and seal of General Washington, dated the 31st December, 1781, together with a memorial of Allen McLane, dated January 30, 1782, founded thereon.

The same member also delivered to the Chair an act of Congress of June 13, 1781, respecting the officers of the Hospital and Medical Department, together with a bill entitled "An act for ascertaining the depreciation of the pay accounts of divers persons in the several departments of the army who are credited to this State as part of the quota of the land forces thereof, and for other purposes."

On motion, by order, the foregoing bill, and the several foregoing papers accompanying the same and delivered therewith, were read the first time.

Mr. Cook now reported the delivery of the several papers committed to him, according to order.

Mr. Read, a member of Assembly, was admitted and delivered to the Chair the resolutions for accelerating the recruiting service, with the amendment proposed thereto by the Council acceded to by the House of Assembly.

The same member also delivered to the Chair the bill for establishing a Militia within this State, with the first amendments proposed thereto by the House of Assembly and a paper of additional amendments proposed to the said amendments.

The Council took the said amendments into consideration, receded from such of the amendments of the House of Assembly as they had before disagreed to, and agreed to the additional amendments proposed by that House.

Ordered that the said bill be engrossed.

Mr. Peery, a member of Assembly, was admitted and deliv-

ered to the Chair certain instructions to the Delegates of this State in Congress.

On motion, by order, the foregoing instructions were read the first time.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., February 5, 1782.

The Council met. Present the same members as on yesterday.

On motion, by order,

The resolutions for accelerating the recruiting service, were read, as amended, concurred in, and are as follows, viz :

“The committee to whom was referred Capt. James Moore’s letter respecting the recruiting service, addressed to the President and by him laid before the Assembly, report it as their opinion that resolutions of the following import be added to those passed the 13th of November last for recruiting the Delaware Regiment :

“1st. That it be recommended to the President or Commander-in-Chief of this State to appoint one fit person in each County of this State to muster the men enlisted to serve as soldiers in the Delaware Regiment under the regulations prescribed in the resolutions of the said 13th of November last.

“2d. That Capt. James Moore be allowed to retain three shillings per diem in lieu of his rations, out of the monies which may come into his hands for the recruiting service, so long as he shall be employed therein.

“3d. That Captain Moore, with the approbation of the President, be authorized to issue orders for rations to such of the wives of sergeants and old soldiers of the Delaware Regiment as are within this State, in want of such support, until the General Assembly shall take further order therein.

“4th. That the President or Commander-in-Chief of the State
“be authorized to draw orders upon the State Treasurer for such
“further sums of money as he shall judge necessary, from time
“to time, for the said recruiting business, not exceeding the ad-
“ditional sum of nine hundred pounds.

“5th. That Col. Tilton, of Kent County, and Major Polk of
“Sussex County, be authorized to pay unto Capt. Moore, upon the
“orders of the President, such sums of specie money, as are or
“may be come to their hands, respectively, as recruiting officers
“for those two counties, under the act of Assembly entitled ‘An
“act to recruit the Regiment of this State now in the service
“of the United States,’ passed at New Castle, on the 12th day
“of February last, and that such orders, with receipts thereon,
“shall be allowed to them in their accounts with the General As-
“sembly.

“6th. That Capt. Moore be authorized to pay, out of the
“monies which he shall receive, as aforesaid, the sum of three
“pounds, in specie, to any person or persons taking up and de-
“livering to him a deserter belonging to the Delaware Regiment,
“together with six pence a mile for each mile between the place
“in which he may be taken and to which he may be conveyed for
“delivery, as aforesaid.

“7th. That Capt. Moore apply to the Clothier-General of the
“United States for such articles of clothing as are or may be
“necessary and wanting, as well for the old soldiers of the Dela-
“ware Regiment, now in the State, as for the new levies there-
“of.

“8th. That Capt. Moore be accountable to the General As-
“sembly for all such sums of money as shall come into his
“hands, in pursuance of the foregoing resolutions, and that he
“make monthly returns to the President of his proceedings in
“the business aforesaid.

“9th. That it be recommended to the President to order
“some of the officers of the Delaware Regiment, now in the
“State, and who are under orders to join their regiment, to take
“under their command and march off such of the old soldiers,
“aforesaid, and the new levies, as may not be necessary to fur-
“ther the recruiting service, and to proceed with the utmost ex-
“pedition to the Regiment in the Southern Army, under Gen-
“eral Greene.

“10th. That in case of the death or other disability of the
 “said Capt. James Moore, to superintend the recruiting service,
 “and to perform other the duties prescribed to him, as well by
 “the several foregoing resolutions as by the said resolves of the
 “13th of November last, the President or Commander-in-Chief
 “of this State appoint some other fit person to the same service ;
 “and that every person or persons, so appointed, shall have and
 “exercise all the powers and duties in the said resolutions res-
 “pectively prescribed and given to the said Capt. James Moore.

“Sent for concurrence.

“SIMON KOLLOCK, *Speaker.*”

On motion, by order,

The instructions to the Delegates of this State in Congress
 were read the second time, considered and concurred in, and
 follow in these words, viz :

“IN THE HOUSE OF ASSEMBLY,

“MONDAY, February 4th, 1782.

“Instructions from the General Assembly of the Delaware
 “State to the Honorable Thomas McKean, Philemon Dickin-
 “son, Cæsar Rodney, and Samuel Wharton, Esquires, Dele-
 “gates from the said State to the Congress of the United States
 “of America :

“*Gentlemen :*

“The affairs that will engage your attention as Delegates of
 “this State in Congress are so various and complicated that it is
 “impossible at this time to point out with precision the conduct
 “you ought to observe in conducting them.

“We expect that you will form such agreements among your-
 “selves, respecting your attendance, that this State will always
 “be regularly represented in Congress, and we desire that you
 “may, with the greatest diligence, strenuously promote all such
 “measures as, upon mature deliberation, you shall judge most
 “efficacious for maintaining and securing the freedom, indepen-
 “dence and happiness of the United States in general, and of
 “this State in particular.

“You will perceive by the resolutions of the Legislative Coun-

“cil, and of the House of Assembly, dated the 23d and 28th of
“January, 1779, of which a copy is herewith transmitted to you,
“the objections made by this State to some articles of the Con-
“federation. They appear to us to be well founded, and we
“wish you would act conformably to them, and endeavor to pro-
“cure an amendment of the Confederation in those particulars ;
“but we especially require that you will employ your most in-
“dustrious exertions for obtaining, without any delay whatever,
“a final settlement of the boundaries of those States whose
“claims are immoderate, and of the rights of the United States
“on the principles of the resolutions, an adherence to which is
“so plainly consistent with justice and so indispensably essential
“to the peace and welfare of the Union. This business we judge
“to be of the first magnitude, as deeply interesting to us and our
“posterity, and for very strong reasons we are clearly of opinion
“that no time should be lost in bringing it to a conclusion.

“It is probable that the property of the islands in the Dela-
“ware may be considered as connected with this subject. We
“desire that you will attend also to this point, and that you will
“take care that due regard be had therein to the rights of this
“State.

“Part of the ordinance of Congress, dated the 4th day of De-
“cember last, concerning captures, is likely to prove extremely
“and particularly detrimental to this State, without any necessity
“urging our being subjected to such hardships. Upon recap-
“tures, not made until the expiration of twenty-four hours after
“the capture, there is to be no restitution of any part. This
“regulation was adopted by Congress, we understand, for the
“purpose of conforming to the practice of other nations. So
“far it may be proper ; but we apprehend there ought to be
“a distinction made between captures in common cases and
“captures of vessels employed in the inland trade for the sole
“purpose of carrying the produce of the country to markets
“within the country and always navigating between and in sight
“of lands on each side without ever passing into the open sea.
“The capture of such vessels is almost always made within can-
“non shot of the shore *infra præsidia* of the State, frequently
“within the body of a county ; they generally continue in or
“near the places where they are taken for upwards of twenty-
“four hours after, and in every instance that has come to
“to our knowledge the recapture has been made by citizens of

“some of the United States. We therefore think, that with the strictest propriety such recaptures should be put upon the same footing with recaptures of property originally captured upon land, which, by the same ordinance, is to be returned to the former owner upon payment of a reasonable salvage, not exceeding one-fourth part of the value, no regard being had to the time of possession by the enemy. If the present regulation continues in force, the damage to this State must be exceedingly great, if not irretrievable, during the war. We have but very few shallops left, and the difficulty of procuring more is too well known. If the property of those that remain is to be divested in the manner before mentioned, it is highly probable that in a short time there will not be a vessel belonging to an inhabitant of this State. Of consequence, we shall not be able to send our produce to market, and it then becomes utterly impossible for us to furnish our quota of supplies, which, indeed, is nearly the case already, from the almost continual interruption of our commerce by armed vessels from New York. For these reasons we earnestly desire that you will use all the means in your power to obtain immediately an alteration of the ordinance in this particular.”

“Lastly, we expect and desire, that if any particular doubts or difficulties present themselves to your minds on questions of great moment, agitated, or likely to be soon agitated, in Congress, you will communicate them fully to the President of this State, that he may be enabled to judge of the expediency of convening the Legislature and taking their sense thereon for your further direction.

“Signed by order of the House of Assembly,

“SIMON KOLLOCK, *Speaker*.

“Sent for concurrence.”

On motion, by order,

The bill for ascertaining the depreciation of the pay accounts of divers persons in the several departments of the army who are credited to this State as part of the quota of the land forces thereof, and for other purposes, was read the second time, and an amendment is proposed, agreed to, and ordered to be transcribed.

Ordered, That Mr. Cook deliver the said bill and transcribed amendment to the House of Assembly, together with the resolutions for accelerating the recruiting service, and the instructions to the Delegates in Congress, respectively concurred in by the Council.

Mr. Cook reported the delivery thereof according to order.

Adjourned to 4 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a petition from Jacob Vandegrift, in the County of New Castle, with a list of sundry forfeitures in the Court of Oyer and Terminer of Sussex County, and a resolution of the House of Assembly founded thereon, directing the Treasurers to demand the payment of fines and forfeitures.

On motion, by order, the foregoing papers were severally read the first time.

By special order, the foregoing resolution was read the second time and concurred in, and is in these words, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, Feb. 4, 1782.

“ WHEREAS by an act of the General Assembly entitled ‘An act for ascertaining the salaries and allowances to the officers and persons herein mentioned employed in the Government of this State, and for providing a fund for the payment thereof,’ passed the 22d February, 1777, it is enacted that all fines and forfeitures accruing within this State shall belong to and be for the use of the same, and shall be paid to the Treasurer of the County where the fine shall be imposed or forfeiture happen ; therefore

“ *Resolved*, That the Treasurers of the several Counties of this

“ State are hereby directed to demand of the Sheriffs respectively
 “ the payment of the fines and forfeitures which have or may
 “ come into their hands, and on neglect or refusal of payment to
 “ recover the same as the above-recited act directs, except in the
 “ cases of Jacob Vandegrift, in the County of New Castle, and
 “ his sureties, and Nathaniel Hynes and William Messick, in the
 “ County of Sussex, and their sureties ; and that they return a
 “ list of the monies they may so receive to the General Assembly
 “ at every meeting thereof.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Ordered, That Mr. McDonough return the aforesaid resolution, and the petition on which it is founded, to the House of Assembly, the delivery whereof Mr. McDonough reported, according to order.

On motion, by order,

The bill for establishing a Militia within this State, being engrossed, was read and compared, and ordered to be delivered, by Mr. Hyatt, to the House of Assembly, for comparison and to be signed by the Speaker of that House.

Mr. Hyatt reported the delivery according to order.

Mr. Duff, a member of the House of Assembly, attending, was admitted and delivered to the Chair a letter, dated Dec. 27, 1781, from John Evans, Esq., respecting his certificate for money lent the Convention of this State, in September, 1776 ; a letter from James Adams, representing his distress by reason of his not being paid his account for work done as printer for this State, together with a petition of Richard Janvier respecting the non-payment of his account for the expenses of part of the members of the House of Assembly in January, 1781, and a report of the Joint Committee of Accounts on the said letters and petition.

The same member also delivered to the Chair a letter from Thomas Salter respecting the schooner purchased for this State by Capt. Neil, with a resolution of the House of Assembly for the sale of the State Schooner Vigilant.

On motion, by order, the foregoing papers were severally read the first time.

On motion, by order,

The resolution for the sale of the State Schooner Vigilant, was read the second time, concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“MONDAY, Feb. 4, 1782.

“WHEREAS the General Assembly of this State have made
“provision for procuring a vessel more suitable for the purpose
“of protecting the trade on the Bay and River of Delaware than
“the one now belonging to the State ; therefore

“*Resolved*, That Charles Pope, Esq., be and he is hereby em-
“powered and directed, with the approbation of the President
“and Commander-in-Chief, to make sale of the State Schooner
“Vigilant, her tackle, apparel and furniture, at public sale, or
“otherwise, for the best price he can obtain for her, and the
“money arising by such sale to apply in discharge of a specialty
“from Col. Henry Neil to a certain Thomas Salter, of the City
“of Philadelphia, given for the price of said Schooner Vigilant,
“and the balance remaining in his hands, if any, to account for
“with the General Assembly at their next sitting thereafter.

“That the General Assembly will make such allowance to the
“said Col. Pope for transacting this business, on settlement of
“his accounts, as to them shall appear reasonable and just.

“Extract from the minutes.

“JAS. BOOTH, *Cl'k of Assembly.*”

On motion, by order,

The report of the Joint Committee of Accounts was read, considered, and agreed to.

Ordered, That the said report, and letters therein referred to, and the foregoing resolution, with the concurrence of Council thereto, be returned, by Mr. Cook, to the House of Assembly ;

Who, being returned, reported the delivery according to order.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair the act to remedy defects, &c. ; the supplement for regulating and establishing fees ; the bill to increase the powers of the Justices of the Supreme Court ; the bill for the protection

of the trade, &c.; the bill for punishing offences committed in taking vessels, &c.; the bill for ascertaining the depreciation of the pay accounts, &c.; and the act for establishing a Militia, &c., together with the several bills and amendments, and a resolution of the House of Assembly for affixing the Great Seal thereto, &c.

The foregoing bills, severally signed by the Speaker of the House of Assembly, were read and compared, and ordered to be signed by the Speaker of the Council; which was accordingly done.

On motion, by order,

The resolution for affixing the Great Seal to the foregoing laws was read and concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, Feb. 4, 1782.

“ On motion,

“ *Resolved*, That the President and Commander-in-Chief affix “ the Great Seal of this State to the following laws, to wit :

1. “ An act to remedy defects that have arisen in the execution of an act of Assembly entitled ‘ An act for embodying a number of the Militia of this State for the purpose of reinforcing the Army of the United States ;’ ”

2. “ A supplement to the act entitled ‘ An act for regulating and establishing fees ;’ ”

3. “ An act to increase the powers of the Justices of the Supreme Court, and for other purposes ;’ ”

4. “ An act for the protection of the trade of this State on the Bay and River of Delaware ;’ ”

5. “ An act for ascertaining the depreciation of the pay accounts of divers persons in the several departments who are credited to this State as part of the quota of the land forces thereof, and for other purposes ;’ ”

6. “ An act for more effectually punishing and discouraging offences committed in taking vessels out of the harbors of this State ;’ ”

7. "An act for establishing a Militia within this State."

"Extract from the minutes.

JAS. BOOTH,

"Sent for concurrence.

Cl'k of Assembly."

Ordered, That the foregoing bills and resolutions, respectively signed by the Speaker of the Council, be returned to the House of Assembly by Mr. McDonough;

Who, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 8 o'clock.

WEDNESDAY, A. M., February 6th, 1782.

The Council met. Present the same members as on yesterday.

The Council now proceeded to the settlement of the per diem wages and mileage of the members and Clerk, and thereupon allowed the following accounts, viz :

To the Honorable Thomas Collins, Esq., ...	£	29	4	6
To Peter Hyatt, Esq., ...		20	10	0
To Isaac Grantham, Esq., ...		22	7	6
To Thomas McDonough, Esq., ...		23	16	0
To John Cook, Esq., ...		22	2	0
To John Baning, Esq., ...		21	0	0
To William Polk, Esq., ...		13	7	0
To John Polk, Esq., ...		8	14	6
To Benjamin Vining, Clerk, ...		31	12	6

£ 192 14 0

Ordered, That the Speaker of the Council draw orders on the State Treasurer for the payment of the above mentioned sums.

Whereupon the said orders were accordingly drawn and signed by the Speaker.

Then the Council adjourned to the 27th day of May next, to meet at the Town of Dover.

MINUTES OF COUNCIL.

MAY, 1782.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MAY, 1782.

At a meeting of the Council, at the Town of Dover, in the County of Kent, by adjournment, on Monday, the 27th day of May, A. D. 1782, a sufficient number of the members to form an House not attending, the Council adjourned from day to day until Tuesday, the 11th day of June, 1782.

TUESDAY, June 11th, 1782.

The following members attended, viz :

For New Castle County—Peter Hyatt, Thomas McDonough, Isaac Grantham.

For Kent County—The Hon. Thomas Collins, John Baning, John Cook.

For Sussex County—William Polk.

Adjourned till 10 o'clock to-morrow.

WEDNESDAY, A. M., June 12th, 1782.

The Council met. Present the same members as on yesterday.

On motion, by order, the minutes of yesterday were read.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till 10 o'clock to-morrow.

THURSDAY, June 13th, 1782.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, A. M., June 14, 1782.

The Council met. Present the same members as on yesterday.

Mr. Peery, a member of the House of Assembly, attending, was admitted and delivered to the Chair a message, addressed to the General Assembly, from his Excellency, the President, accompanied with the following verbal message from the House of Assembly to the Council relative thereto, viz :

"VERBAL MESSAGE FROM THE ASSEMBLY TO THE COUNCIL.

"Gentlemen :

"The House of Assembly propose to your honorable body
 "that a conference of both Houses be held, in the Council
 "Chamber, half an hour hence, in order to receive the impor-
 "tant intelligence which his Excellency, the President, in his
 "message, now transmitted to you, desires to communicate per-
 "sonally.

"Friday, A. M."

On motion, by order,

The President's Message was read, and is in the following
 words, viz :

"Gentlemen of the General Assembly :

"I have lately received from a committee of Congress some
 "important intelligence of such a nature that I do not think my-
 "self at liberty to communicate it except it be personally.

"I therefore desire the honor of a conference with you while
 "sitting, or after the houses are risen, as may be most agreeable
 "to you.

"June 13, 1782.

JOHN DICKINSON "

The verbal message from the House of Assembly being con-
 sidered, the following answer thereto was drawn up and agreed
 to, viz :

Gentlemen :

The Council assent to the proposal contained in your verbal
 message, and will be ready to receive your honorable House at
 the time appointed.

Friday, A. M.

Ordered, That Mr. Baning wait on the House of Assembly
 with the same, and also return the President's Message.

Mr. Baning, being returned, reported the delivery thereof ac-
 cording to order.

The House of Assembly, agreeable to the order of the day,

met the Council, in the Council Chamber, for the purpose expressed in their verbal message.

Ordered, That Mr. Read, Mr. Vandyke, and Mr. McDonough be a committee to wait on his Excellency, the President, and acquaint him that the two Houses are now met, in the Council Chamber, and are ready to confer with him on the subject matter of his message.

The committee, being returned, reported that they had waited on his Excellency, the President, and delivered the message committed to them, according to order, when his Excellency was pleased, in answer, to say that he would wait on the General Assembly immediately.

The President attended in the Council Chamber, had a conference with the General Assembly and communicated to them the important intelligence referred to in his message, and then withdrew.

Then the two Houses separated, and the Council adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., June 15, 1782.

The Council met. Present the same members as on yesterday, except Mr. Polk.

Mr. Vandyke, a member of the House of Assembly, attending, was admitted and delivered to the Chair a message from his Excellency, the President, to the General Assembly, dated June 12, 1782, accompanied with divers acts of Congress, letters, and other papers, therein referred to.

On motion, by order, the foregoing message and papers were severally read, and the said message is in these words, viz :

“Gentlemen of the General Assembly :

*“His most Christian majesty has given so many decisive
“proofs of his friendship for the United States, and his subjects*

“have manifested such a sincere esteem for us, that I am certain
“you will learn, with all the pleasure of a grateful affection, that
“the wishes of our beloved ally, and of *France*, have been grati-
“fied by the birth of a *dauphin*.

“Your joy on this occasion must be enlivened by the honest
“warmth which your hearts will feel, by expressing, in the pres-
“ent situation of affairs, an inviolable adherence to the engage-
“ments of your *alliance* and a just veneration for *national faith*.

“The late remarkable change in the British ministry, uniting a
“great number of active, able and popular men in the same ad-
“ministration, should in prudence add to the firmness and vigor
“of our councils and proceedings.

“Our enemies ought to believe that our sole aim in this just
“and necessary war is a safe and honorable peace ; and that such
“a peace, in our unalterable determination, includes indepen-
“dence and concert with our ally.

“There is, however, too much reason to be persuaded that
“the present ministers mean no more than to alter their plan of
“conducting the war, excite jealousies, disgusts and divisions be-
“tween the powers concerned in it, and while they afford us a
“temporizing relief from some of its distresses, bend their force
“against our friends, and at last return to the accomplishment
“of the original object—our destruction.

“In this manner, it seems, all the blessings that might be de-
“rived from the present opportunity are to be sacrificed to the
“phantoms of ambition and revenge.

“We may, by this renewed persecution, be convinced of these
“important truths—that our past calamities ought not to be im-
“puted to the late ministers, but that every party in the kingdom
“is hostile, and the people in general filled with an inveterate
“enmity against us.

“Thus, every pretension to the esteem or confidence of Ame-
“rica being removed, we shall receive additional evidence, from
“the extended and deep fixed resentments of Great Britain,
“that France is our *natural ally*, and our mutual welfare so in-
“timately connected, that whatever injures one nation must, in
“its consequences, necessarily affect the other.

“Gentlemen—The Secretary will lay before you acts of Congress dated January 8th and 25th, February the 26th, and May the 27th—letters from the Commander-in-Chief, of December the 19th, January the 22d, March the 5th and May 4th—from the Financier, of January the 3d and 8th, February the 9th, March the 9th, April the 5th and May 9th—from the Secretary of War, of April the 9th—from the Secretary for Foreign Affairs, of February the 18th and 19th, and May the 14th—one from General Greene, of February the 1st, and another from General Smallwood, of the 28th of the same month.

“From the information contained in several of these letters, you will perceive the indispensable obligation imposed upon us of drawing forth, from the resources of the State, early and adequate supplies, in compliance with the requisitions made, while justice and policy, as well as the arts and exertions of our enemies, all combine to demonstrate that every measure ought immediately to be adopted that can be devised for the support of *public credit*. In order to lay a firm foundation for future operations, I hope you will expedite the adjustment of all public accounts, and empower and authorize the United States, in Congress assembled, to make a final settlement of the proportions to be borne by each respective State of the general expenses of the war, from its commencement to the beginning of this year.

“I sincerely share with you in the high pleasure you must receive from the truly honorable testimony given by that distinguished commander, General Greene, to the uniform *good conduct, singular merit*, and *important services* of the officers and soldiers of our line.

“A reinforcement is in readiness to march to the southward, as will appear from the report which I have desired Captain Moore to make.

“The Secretary will communicate to you several papers concerning the sale of the vessel lately belonging to the State, and the building of another, together with some correspondencies relating to the protection of trade in the River and Bay.

“As I judged it would give you some satisfaction to see how the accounts of this State with the United States stand, in the

“books of their Treasury, I have prepared a copy of them,
“which is herewith sent.

“Gentlemen—As an attention in rulers to the manners of
“the people is so essential to the prosperity of a State, it is
“with great regret I find myself compelled, by a regard for my
“duty, to represent to you that some further provision appears
“necessary for preventing those gross irregularities at places of
“diversion, now become so frequent, by which the morals and
“circumstances of many individuals are injured, and the wisest
“and worthiest persons among us, whose minds are impressed
“with a solemn sense of the distresses in which our country is
“involved, are deeply afflicted.

“As I presume you will not choose to make a long session at
“this season, I will only beg leave to submit to your considera-
“tion whether it may not be advisable to appoint a committee for
“the purpose of collecting, revising and amending the laws prior
“to the Revolution, and preparing an appendix to contain those
“that are obsolete, but under which the right to property has been
“determined, and to shew when they were made, expired or
“were repealed, with such other observations as may be judged
“proper; so that the whole work, being hereafter subjected to
“the judgment and correction of the Legislature, and then ap-
“proved, might form a complete body of our laws to that period.

“JOHN DICKINSON.”

Adjourned till 10 o'clock on Monday next.

MONDAY, June 17, 1782.

The Council met. Present the same members as on Saturday,
except Mr. Polk.

Adjourned till 10 o'clock to-morrow.

TUESDAY, A. M., June 18th, 1782.

The Council met. Present the same members as on yesterday, except Mr. Cook and Mr. Polk.

Mr. Ridgely, a member of the House of Assembly, attending, was admitted and delivered to the Chair a proposition from the House of Assembly for nominating persons to supply the vacancy in the Common Pleas and Orphans' Courts for Kent County; which, by order, was read, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ MONDAY, June 17, 1782.

“ On motion,

“ *Ordered*, That Mr. Ridgely wait on the Council and propose to them that both Houses meet together, in the Council Chamber, to-morrow at 4 o'clock in the afternoon, to put in nomination persons to be balloted for to supply the vacancy in the Court of Common Pleas and Orphans' Court for the County of Kent, occasioned by the death of John Clark, Esq., Chief Justice of the said Courts.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Ordered, That Mr. Grantham return the same to the House of Assembly, with the concurrence of the Council thereto, and also the President's Message of the 12th instant, with the several acts of Congress, letters, and other papers, accompanying the same.

Mr. Grantham, being returned, reported the delivery according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Mr. Polk now attended.

The Council and House of Assembly, agreeable to the order of the day, met in the Council Chamber for the purpose of putting into nomination persons to be balloted for to supply the vacancy of Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, occasioned by the death of John Clark, Esq., late Chief Justice of said Courts.

Previous to the nomination it was ordered that Mr. Peery, Mr. Waples, and Mr. Grantham be a committee to wait on his Excellency, the President, and request his attendance at such nomination, if he think proper.

The committee reported that they had waited on his Excellency and delivered the message committed to them, when he was pleased to say that he would wait on the General Assembly immediately.

The President attended in the General Assembly. Then the members proceeded to put in nomination persons to fill the said vacancy, whose names were taken down for their consideration.

On motion,

Ordered, That the General Assembly now ballot for a person to fill the same out of the persons so nominated.

Then the General Assembly proceeded to the ballot, and the box being examined, it appeared that there were twenty-one votes in favor of Thomas Collins, Esquire, who was accordingly declared to be duly elected Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent.

Then the President withdrew, and the two Houses separated.

Mr. Vandyke, a member of the House of Assembly, attending, was admitted and delivered to the Chair certain resolutions of the House of Assembly respecting a separate treaty of peace with Great Britain.

On motion, by order, the said resolutions were read the first time.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., June 19th, 1782.

The Council met. Present the same members as on yesterday, and also Mr. Cook.

On motion, by order,

The resolutions of the House of Assembly respecting a partial or separate treaty for peace with Great Britain, were read the second time, concurred in, and are as follows, viz :

“DELAWARE STATE.

“IN THE HOUSE OF ASSEMBLY, June 18, 1782.

“*Resolved unanimously*, 1. That the United States, in Congress assembled, have, by their Confederation, the sole and “exclusive right and power of determining on peace and war, “and of entering into treaties and alliances.

“2. That the honor and true interests of the United States “require an inviolable adherence to the engagements of the “treaty between his most Christian majesty and the said States.

“3. That any man, or body of men, that shall presume, “without the authority of the said States in Congress assembled “first duly had, to enter into a negotiation concerning a peace “or truce with the King of Great Britain, or his agents, ought “to be considered and treated as enemies of the said States.

“4. That the whole power of this State shall be exerted for “enabling Congress to carry on the war until a peace consistent “with our Federal Union and national faith can be obtained.

“*Ordered*, That a copy of the foregoing resolutions be imme-

“diately transmitted to the Delegates of this State in Congress,
“as an instruction to the said Delegates.

“Signed by order of the House of Assembly,

“SIMON KOLLOCK, *Speaker*.

“Sent for concurrence.”

Ordered, That Mr. Cook return the foregoing resolutions to the House of Assembly, with the concurrence of the Council thereto.

Mr. Cook reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of the House of Assembly, attending, was admitted and delivered to the Chair a letter addressed from the Secretary of Foreign Affairs to his Excellency, the President, dated May 14th, 1782, announcing the birth of a Dauphin of France, together with a resolution of the House of Assembly for celebrating the birth of a Dauphin of France.

On motion, by order, the same were severally read.

By special order, the said resolution was read the second time, concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“WEDNESDAY, P. M., June 19, 1782.

“The Minister of France having, on the 13th day of May last, announced to Congress the birth of a Dauphin, and that honorable body having, by their Minister for Foreign Affairs, communicated advice thereof to this State,

“*Resolved*, That his Excellency, the President, be desired to

“give such directions as he may judge proper on the occasion
“for testifying the great and sincere joy of this State on the
“happy event so interesting to his most Christian majesty and
“to France.

“Extract from the minutes.

JAS. BOOTH,

“Sent for concurrence.

Cl'k of Assembly.”

Ordered, That the foregoing letter and resolution, as concurred in by the Council, be returned, by Mr. McDonough, to the House of Assembly.

Mr. McDonough reported the delivery according to order.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., June 20th, 1782.

The Council met. Present the same members as on yesterday.

Ordered, That the Speaker issue a writ directed to the High Sheriff of Sussex County for the election of two Councillors for said County, to fill the vacancies occasioned by the deaths of William Conwell and John Polk, Esquires.

Which was accordingly done.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Carty, a member of the House of Assembly, was admitted and delivered to the Chair a bill to prevent the sales of lands, goods or chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes ; which, by order, was read the first time.

Mr. Duff, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill for the aiding and more effectually carrying into execution certain acts of Congress of the 20th and 27th of February, 1782, delivered therewith.

On motion, by order, the same was read the first time.

Adjourned till 9 o'clock to-morrow.

FRIDAY, A. M., June 21st, 1782.

The Council met. Present the same members as on yesterday.

On motion, leave of absence was granted to Mr. Grantham, during the present sitting of the Council, on account of his indisposition.

On motion, by order,

The bill to prevent the sales of lands, goods or chattels by virtue of executions, &c., was read the second time.

On motion, by order,

The bill for more effectually carrying into execution certain acts of Congress of the 20th and 27th February last past, was read the second time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill for more effectually carrying into execution certain acts of Congress of the 20th and 27th February, 1782, was read a third time, by paragraphs, and passed the Council.

Ordered, That Mr. Baning return the same to the House of Assembly ;

Who, being returned, reported the delivery according to order.

Mr. Duff, a member of the House of Assembly, was admitted and delivered to the Chair a petition from Robert Timmons, a soldier in the Delaware Regiment, for his discharge, with a resolution of the House of Assembly founded thereon.

Mr. Grantham presented his account for his per diem wages and mileage, amounting to £12 : 14 : 0; which was allowed, and an order was drawn for the payment of the same.

On motion, by order,

The petition of Robert Timmons, and the resolution of Assembly, founded thereon, were severally read the first time.

By special order, the said resolution was read the second time.

Ordered, That Capt. Kirkwood be requested to attend the Council and give information to them concerning the enlistment of the said Robert Timmons.

Capt. Kirkwood attended the Council and informed them concerning the enlistment of the said Robert Timmons ; whereupon

Ordered, That the said petition and resolution lie over for further consideration until to-morrow.

Adjourned till 8 o'clock to-morrow.

SATURDAY, A. M., June 22, 1782.

The Council met. Present the same members as on yesterday, except Mr. Grantham.

On motion, by order,

The bill to prevent the sales of lands, goods or chattels, &c., was read a third time, by paragraphs, and an amendment was

proposed and agreed to, viz : To add the word [lands] between the word [such] and the word [goods], in first page and twelfth line.

Ordered, That Mr. Polk return the said bill and amendment to the House of Assembly.

Mr. Polk, being returned, reported the delivery thereof according to order.

On motion, the further consideration of the resolution of the House of Assembly for discharging Robert Timmons, was resumed, and the same was disagreed to by the Council.

Mr. Carty, a member of the Assembly, was admitted and delivered to the Chair sundry accounts of purchases made by Messrs. Darby and McClay for the Delaware State, accompanied with a resolution for the payment of £ 703 : 17 : 1 to William McClay and Henry Darby.

On motion, by order, the same were read.

By special order, the said resolution was read a second time, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ FRIDAY, P. M., June 21, 1782.

“ On motion,

“ *Resolved*, That the Speakers of both Houses draw an order
“ on the State Treasurer for the sum of seven hundred and three
“ pounds seventeen shillings and one penny in favor of William
“ McClay, Esq., and Henry Darby, to enable them to discharge
“ their contracts for supplies of provisions and forage furnished
“ to the army under General Washington, agreeable to the reso-
“ lutions of the General Assembly for that purpose, dated the
“ 27th and 29th of October last.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Doctor Clayton, a member of Assembly, was admitted and delivered to the Chair the bill to prevent the sales of lands, &c., agreed to as amended, and signed by the Speaker of the Assembly; together with the bill for aiding and more effectually carrying

into execution certain acts of Congress, &c., also signed by the Speaker ; a resolution for affixing the Great Seal thereto, and the following notification of their intention to adjourn, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ SATURDAY, June 22, 1782.

“ *Ordered*, That Mr. Clayton wait on the Council and inform “ them that this House intend to adjourn the present session this “ day to some future time.

“ Extract from the minutes.

“ JAS. BOOTH, *Cl'k of Assembly.*”

The foregoing bills, being read and compared, were ordered to be signed by the Speaker ; which was accordingly done.

On motion, by order,

The resolution for affixing the Great Seal to the foregoing bills was read, concurred in, and follows in these words, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ SATURDAY, June 22, 1782.

“ On motion,

“ *Resolved*, That the President and Commander-in-Chief affix “ the Great Seal of the State to the following laws :

1. “ An act for aiding and more effectually carrying into execution certain acts of Congress of the twentieth and twenty-seventh days of February last past ;”

2. “ An act to prevent the sales of lands, goods or chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes.”

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Mr. Latimer, a member of the House of Assembly, was admitted and delivered to the Chair a memorial from Dr. James Tilton, with the report of the committee of the House of Assembly on the memorials of Capt. James Moore and Doctor Tilton,

and the petition of Genethan Harney, and a resolution of Assembly respecting Doctors Tilton and Latimer.

On motion, by order, the same were severally read.

By special order, the resolution respecting Doctors Tilton and Latimer was read a second time, concurred in, and follows in these words, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ SATURDAY, June 22, 1782.

“ The House resumed the consideration of the report upon
“ the memorial of Doctor James Tilton, &c., and thereupon

“ *Resolved*, That the Speakers of both Houses draw an order
“ on the State Treasurer in favor of the said James Tilton for one
“ hundred and fifty pounds, on account of his pay since the 1st
“ August, 1780; and a similar order in favor of Doctor Henry
“ Latimer for the sum of one hundred pounds, on account of his
“ pay since the time aforesaid.

“ Extract from the minutes.

JAS. BOOTH,

“ Sent for concurrence.

Cl'k of Assembly.”

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That the before mentioned bills, respectively signed by the Speaker of the Council, and the resolution of Assembly for affixing the Great Seal thereto, concurred in by the Council, be returned, by Mr. Cook, to the House of Assembly, together with the accounts for purchases made by Messrs. McClay and Darby, and the resolution founded thereon concurred in by the Council; the memorial of Doctor James Tilton, &c., the report of the House of Assembly thereon, and the resolution of that House respecting Doctors Tilton and Latimer.

Mr. Cook reported the delivery according to order.

Mr. Peery, a member of the House of Assembly, attending, was admitted and delivered to the Chair the report of the Auditors of the Pay Accounts of the Officers, &c., of the Delaware Regiment, together with a resolution of the House of Assembly for the payment of the said auditors, and a resolution for employing seamen to navigate the State schooner.

On motion, by order,

The report of the Auditors of the Pay Accounts of the Officers, &c., and the resolution of the House of Assembly founded thereon, were severally read the first time.

By special order, the said resolution was read a second time and concurred in, and is as follows, viz : *

On motion, by order,

The resolution for employing seamen to navigate the State schooner, was read the first time.

By special order, the same was read a second time, concurred in, and is as follows, viz : *

Ordered, That Mr. Cook return the said report of the auditors, &c., and the two foregoing resolutions, with the concurrence of the Council thereto respectively, to the House of Assembly ;

Who, being returned, reported that he had waited on the House of Assembly with the same, according to order.

The Council now took into consideration the accounts of the per diem wages and mileage of their Members and Clerk, brought in for the service of the State during the present meeting, and the following were allowed, viz :

To Isaac Grantham, Esq., for 12 days' attendance on the Council, at 17s. 6d. per day, and mileage, at 6d. per mile, ...	£	12	14	0
To Hon. Thos. Collins, Esq., Speaker, for 15 days' attendance, at 22s. 6d. per day, and mileage, at 1s. per mile, ...		17	8	6
<i>Carried forward</i> , ...	£	30	2	6

* These resolutions are not recorded.

<i>Brought over,</i>	£ 30	2	6
To Peter Hyatt, Esq., for 16 days' attendance, at 17s. 6d. per day, and mileage, at 6d. per mile, ...	15	10	0
To Thomas McDonough, Esq., for 15 days' attendance, at do., and mileage, at do., ...	14	11	6
To William Polk, Esq., for 13 days' attendance and mileage, at do., ...	12	4	6
To Jno. Baning, Esq., for 13 days' attendance, at do., ...	11	2	6
To Jno. Cook, Esq., for 16 days' attendance, at do., ...	14	12	0
To Benjamin Vining, Esq., for 13 days' attendance as Clerk, &c., ...	15	1	3
	£ 113 4 3		

Ordered, That the Speaker draw orders on the State Treasurer for the payment of the above mentioned sums.

Which was accordingly done.

Ordered also, That the Speaker sign a joint order in favor of Eliza Thompson for £6 : 0 : 0; another in favor of Ann Westly for £9 : 0 : 0; ditto in favor of Rachel Bullen for £13 : 5 : 0; do. in favor of Mary Lewis for £9 : 15 : 0—£38 : 0 : 0.

Which was accordingly done.

Then the Council adjourned to the 20th day of October next.

MINUTES OF COUNCIL.

OCTOBER, 1782.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

REGULAR SESSION, OCTOBER, 1782.

The minutes of this session, which was held at Dover, commencing October 1st, and adjourned November 1st, until January 6th, 1783, are lost, but the following documents submitted, and resolutions, &c., passed, are preserved, to wit :

MESSAGE OF HIS EXCELLENCY, JOHN DICKINSON,
PRESIDENT.

“Gentlemen of the General Assembly :

“I feel a very sincere pleasure in advising you, that their High
“Mightynesses the States General of the United Provinces have
“acknowledged and received a Minister Plenipotentiary of the
“United States in that quality, an event likely to be immediately
“succeeded by treaties of alliance and commerce greatly beneficial to both nations.

“The Secretary will lay before you letters from the President
“of Congress, of the 19th and 24th of June, and the 20th of
“July—from the Commander in Chief, of the 28th of May—from
“the Financier, of the 9th, 29th and 30th of July, the 15th, 17th
“and 25th of August, the 12th and 20th of September, and the
“5th of October—from the Secretary at War, of the 8th of July,
“the 9th of August, and the 15th of October—from the Secretary
“for Foreign Affairs, of the 2d of May, and the 12th and 15th of
“September—from Governor Clinton, of the 4th of August—

“from General Gist, of the 5th of June—and from the Commanding Officer of our Troops in the Southern Army, of the 8th of July, and the 10th of August.

“I beg leave to refer you, Gentlemen, to several Acts of Congress communicated in former Messages, to recommend them to your attention at the present Sessions, and to observe, that an early as well as a pointed compliance of the several Legislatures with the determinations of that National Council, is absolutely necessary for establishing a system of regularity and efficacy in the affairs and for maintaining the honour of the United States.

“You will perceive by a resolution of the House of Assembly and the Council of New Jersey, of the 24th of June, that commissioners are appointed for settling and establishing the line of jurisdiction between that State, Pennsylvania and this State. Commissioners are also appointed by the State of Pennsylvania; and such a measure seems proper to be taken on our part for settling the line of the jurisdiction in the Bay and River Delaware.

“Upon considering, after your last recess, some circumstances that had lately occurred, I judged it expedient to consult the Commander-in-Chief before I should give orders, in pursuance of your resolutions, for the march of the recruits and soldiers then in the State to the southward. In consequence of his answer, and of the second letter above mentioned from the Secretary at War, orders were issued for their march to Philadelphia, which have been executed, as will appear by Captain Moore's letter of the 7th of August.

“As it appeared to me my indispensable duty to endeavor that our militia should be placed on the most respectable footing, I have constantly and diligently applied my care to this great point. Returns have been required of the military stores, and of the arms both public and private fit for service, in each County. These are now presented to you; and from them you will observe, how necessary it is, that immediate provision should be made for procuring further supplies of these articles. It is much to be wished, that the General Assembly would also devise means for establishing an Artillery Company, with a competent number of field-pieces, in each County.

“I have lately reviewed every Regiment in the State, except the eighth, and have been generally pleased with the appearance and behavior of the officers and privates on this occasion, and particularly of Colonel Duff’s, Colonel Hall’s, Colonel Jones’s and Colonel Polk’s Regiments.

“An adjustment of all public accounts is a business of such moment that it ought to be made with dispatch, and published for the satisfaction of our constituents, and an officer of skill and integrity should be appointed to keep them in perfect order for the future, so that the General Assembly and Executive may easily and without loss of time know the state of our finances, and avoid errors and difficulties in transactions relating to them. The propriety and advantage of such a measure are too manifest to need any arguments for enforcing its adoption.

“Many of our titles to lands depend upon records in Pennsylvania. Transcripts from them should be obtained, and duly recorded in some of our offices. It may not be improper, that a committee should be empowered to inquire and report whether the records in general are safely and properly kept.

“The Laws require very considerable amendments to be made, for preventing substantial justice being defeated or delayed by unnecessary and injurious forms; for ascertaining with precision the Statutes prior to the Revolution that are to be regarded as parts of our jurisprudence; for securing the inestimable benefits of the writ of *habeas corpus*; and for fixing the trial by jury on such a solid basis as will guard as much as possible against its being shaken by the dreadful efforts of party rage—if that blind and destructive power, from which we are now so happily free, should in times to come attempt to pull down the pillars in our Courts, for supporting which the precious blood of our brave fellow citizens has been so nobly offered and liberally poured out. Regulations of this sort will be among the best inheritances we can leave to our posterity.

“Another amendment humanity compels me to propose, that persons manumitting healthy slaves, not advanced in years, should not be obliged to give security for their maintenance, and that slaves should not be sent upon sale or otherwise to places distant from their usual residence, by which means

“affectionate and near relations are cruelly separated from one another, and the remainder of their lives extremely embittered. The Legislatures of several neighbouring States, moved by a deep sense of the divine favors to them in this contest for their own freedom, and by an enlightened commiseration, have lately passed laws for alleviating the afflictions of this helpless and too often abused part of their fellow creatures. I entertain the warmest hopes that the Legislature of this State will emulate the most generous and wise examples of this kind.

“JOHN DICKINSON.

“Dover, October 29, 1782.”

RESOLUTION IN RELATION TO A DAY OF GENERAL THANKSGIVING.

Resolved, That his Excellency the President be requested to appoint and proclaim that Thursday, the 28th day of November next, be observed throughout this State as a day of solemn thanksgiving for the purposes expressed in the proclamation of the United States in Congress assembled, of the 11th of October instant.

MESSAGE OF HIS EXCELLENCY, JOHN DICKINSON, PRESIDENT.

“*Gentlemen of the General Assembly :*

“The Secretary will present to you a letter from the Minister of France, of the 14th, and another from Mr. Robert Morris, of the 18th of this month.

“Such a recommendation, I doubt not, will be duly respected; and it seems, from all circumstances which have come to my knowledge, that policy and humanity may both be observed,

“by admitting the recent services of the offender as an atonement for his former misconduct.

“A barge of the enemy being lately cast on shore near Lewes-Town was seized, with her arms, tackle and apparel, and the crew were made prisoners by some of the inhabitants of that place and the neighborhood. Several young men, who were concerned in the seizure, have informed me, that if the State would be pleased to give up the public share of the prize to them, they would fit her out at their own expense as an armed vessel for assisting to protect the navigation of the Bay. It appeared to me a proposal deserving to be communicated to you. I have seen and examined the boat. She is of very little value, and I am persuaded cannot possibly be applied to any other use so properly, as in the desired encouragement of the men I have mentioned. A list of their names is enclosed.

“By a message of the 19th of last January I recommended the passing a law ‘For better securing and escorting prisoners of war and deserters;’ and I now think it my duty to repeat my application on that head. For want of due regulations, a very unreasonable share of public service is imposed on the Militia in some parts of Sussex County; and not unfrequently, after they have performed such service in a manner much to their credit, prisoners make their escape.

“James Millis, lately keeper of the goal in this town, last week discharged ten prisoners of war brought up from Lewes-Town and committed to his custody, under pretence that no provision was made for their support. Six of them were quickly retaken by the spirited and zealous activity of the Sheriff and some inhabitants of this County. Afterwards two of them escaped again. Similar instances have happened too often. If it be considered that every one of these prisoners, if detained for exchange, might have restored to his country, his family and friends, some worthy fellow citizen now languishing in captivity, I am sure, you, gentlemen, will feel the proper sentiments on circumstances so injurious to our unhappy countrymen, and so disreputable to the State.

“JOHN DICKINSON.

“Dover, October 30, 1782.”

The aforesaid two letters from the Minister of France and the

Honorable Robert Morris, soliciting a pardon for Luke Shields, were also read, reciting that the said Luke Shields, formerly an inhabitant of Lewes-Town, having fled to the British and acting in the capacity of a pilot on board of one of their armed vessels, was captured by his most Christian majesty's frigate *L' Aigle*, and has rendered very essential services on board her; and recommending that such services be admitted as an atonement for his former misconduct, in adhering to the enemies of his country.
—*Extract from Journal of the House of Assembly.*

RESOLUTION IN RELATION TO THE PAYMENT OF TROOPS IN THE SERVICE OF THE UNITED STATES.

WHEREAS Congress, on the first of this instant October, did resolve, "That no monies paid by any of the States to the officers and soldiers of the army of the United States, as pay for the year 1782, be considered as advanced in behalf of the United States, and that the same be not credited to the State by which the advance shall have been made;" in order therefore to comply with the economical views of Congress, and do justice to this State,

Resolved, That this State will not in future advance any money, clothing, or other necessaries, as pay, to any of the officers or soldiers of the army of the United States.

AND WHEREAS the General Assembly have directed sundry articles of clothing and sums of money to be furnished to the officers and soldiers of the Delaware Regiment in the Continental Army, in order to relieve their distress, and enable them to discharge their duty to the Continent; and have also furnished divers quantities of forage, provision and other articles for the use of the army of the United States; therefore,

Resolved, That the State Treasurer forthwith form an accurate account of all monies advanced by him to the officers of the Delaware Regiment, and of all clothing and other necessaries provided for them by this State, and of all supplies of whatever kind that have been furnished for the use of the Continent, and for which

draughts have been made on him, by order of the Commander in Chief of the State, or the General Assembly; and that he transmit copies thereof immediately to the General Assembly and to the Paymaster-General, in order that the same may be entered as charges against the officers and troops so paid and supplied and carried as a credit to this State with the United States, out of the present tax.

Resolved, That a copy of these resolutions be sent to the delegates of this State in Congress, as an instruction to them to urge in Congress the propriety of crediting the State with the monies already advanced for the aforesaid purposes; and that they use their utmost endeavors to have such credit given without delay.

RESOLUTION IN RELATION TO APPOINTMENT OF
COMMISSIONERS TO SETTLE ACCOUNTS OF
THIS STATE WITH THE UNITED STATES.

WHEREAS the nomination of William Winder, Jr., a commissioner for the purpose of settling and adjusting the accounts between the Delaware State and the United States, and for liquidating and settling in specie value all certificates given by public officers to individuals in this State, and other claims by individuals against the United States, according to the form and effect of the act of Congress of the 20th of February 1782, has been duly announced; therefore,

Resolved, That the nomination aforesaid of William Winder, Jr., be and hereby is recognized and approved.

Ordered, That an attested copy of the above resolution be delivered to his Excellency the President of this State, in order that the same be transmitted to the Superintendent of Finance.

RESOLUTION IN RELATION TO BARTHOLOMEW
BAYNUM, INDICTED FOR HIGH TREASON.

WHEREAS it has been represented to the General Assembly that a certain Bartholomew Baynum, of the County of Sussex, who stands indicted for high treason, hath refused to surrender himself and abide his legal trial ; and is going about in the said County in an armed and hostile manner, in open violation of the Laws of this State, to the injury of the State and the evil example of others ; in order, therefore, that he may be apprehended and brought to justice,

Resolved, That the President be requested and empowered to issue his proclamation, offering a reward of fifty dollars to any person or persons who shall apprehend and secure the said Bartholomew Baynum in the public goal of the County aforesaid.

Resolved, That the aforesaid reward be paid by the Treasurer of Sussex County, on the certificate of the Sheriff thereof that he hath received the aforesaid Bartholomew Baynum into the goal of the same County, which sum shall be allowed to the said Treasurer on the settlement of his accounts with the State Treasurer.

RESOLUTION FOR APPOINTMENT OF A COMMISSIONER TO SETTLE ACCOUNTS OF THIS
STATE WITH THE UNITED STATES.

WHEREAS the nomination of William Winder, Jr., a Commissioner for settling and adjusting the accounts of this State with the United States, agreeable to the directions of the act of Congress of the 20th of February last, hath been approved by the General Assembly ; and it is necessary that some person be nominated and appointed, on the part of this State, to prepare and lay the said accounts before the said commissioner ; therefore

Resolved, That William Peery, Esq., be and is hereby appointed for the purpose aforesaid.

Resolved, That the General Assembly will defray the expense that may be incurred by the said William Peery in the discharge of the business aforesaid.

RESOLUTION IN RELATION TO THE ASCERTAIN-
MENT OF THE LOSS OF PROPERTY, &c.,
BY CITIZENS OF THIS STATE
DURING THE WAR.

WHEREAS Congress have requested, that each of the States obtain, as speedily as possible, authentic accounts of the slaves and other property which have been carried off or destroyed by the enemy, in the course of the present war ; therefore

Resolved, That the County Treasurers respectively be and they are hereby empowered and directed to issue their orders to the Collectors, to put up three or more advertisements, in the most public places in each Hundred, directing those persons whose slaves have been carried away, or other property taken or destroyed by the enemy, since the commencement of the present war, to make and return, on oath or affirmation, an exact and true account and estimate thereof, to the best of their knowledge, to the Collector of the Hundred such person resides in, who shall transmit the same to the Treasurer of his County.

That the said Treasurer, on receipt of the said accounts and estimates, shall state the same in a fair account, distinguishing the property taken in each Hundred, and return the same to the General Assembly at their next meeting.

That the Levy Court of each County make an adequate allowance to the Treasurer and Collectors of such County for their performance of the duties hereinbefore enjoined them.

MINUTES. OF COUNCIL.

JANUARY, 1783.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1783.

At a meeting of the Council at the Town of Dover, in Kent County, by adjournment, on Monday, the 6th day of January, A. D. 1783, a quorum of the members to form an House not attending, the Council adjourned from day to day till Saturday, the 11th instant.

SATURDAY, P. M., January 11th, 1783.

The following members attended, viz :

For New Castle County—Thomas McDonough.

For Kent County—The Hon. John Cook, Richard Bassett, John Baning.

For Sussex County—

George Read, Esquire, a member of the Council chosen for the County of New Castle, on the first day of October last, in the room of Peter Hyatt, Esquire, whose seat became vacant by rotation, appeared in the Council, and took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and then took his seat. [*See note on page 10.*]

Adjourned to Monday at 11 o'clock.

MONDAY, P. M., January 13th, 1783.

The Council met. Present the same members as on Saturday, and also Mr. Grantham.

Mr. Read, at his seat, made his excuse for his non-attendance at the meeting of the Council in October last ; which was admitted.

Mr. Speaker laid before the Council a letter addressed to the Vice-President of this State, of the 6th instant, by Samuel Wharton, Esquire, one of the Delegates of this State in Congress, inclosing sundry extracts from the Journals of Congress from Sept. 14 to Oct. 29, 1782, together with several resolutions of that honorable body ; which, by order, were severally read.

Adjourned to to-morrow at 10 o'clock.

TUESDAY, A. M., January 14, 1783.

The Council met. Present the same members as on yesterday.

Mr. Carty, a member of the House of Assembly, attending, was admitted and delivered to the Chair a letter, dated Philadelphia, Nov. 4, 1782, addressed by the President to the Speaker of the Council, together with a message from his Excellency to the General Assembly, dated Jan. 11, 1783, and the resolutions of the House of Assembly on the committee's report on the said message.

On motion, by order,

The President's Message of the 11th instant, and his letter to the Speaker of the Council, were severally read, and the said message is in these words, viz :

"Gentlemen of the General Assembly :

*"Since the last recess of the General Assembly, I have been
"elected President of the Supreme Executive Council of Penn-
"sylvania ; and the duties of that office requiring my residence*

“there, I was prevented from removing to Wilmington, after I
 “had got my house in that place prepared, at a considerable
 “expense, for the reception of my family.

“I wrote immediately to the Honorable the Speaker of the
 “Legislative Council, requesting him to take the administration
 “upon him, according to the Constitution, and to the Secretary
 “to deliver to him the Great Seal.

“The General Assembly will, I hope, approve of my engag-
 “ing in the employment that has been mentioned, in a sister and
 “neighbor State—the true interests of both being, by situation
 “and a variety of circumstances, so intimately connected—espe-
 “cially when they consider *how earnestly I entreated* to be excus-
 “ed from accepting the Presidency here—that I have faithfully
 “and to the best of my abilities served a year—and that I could
 “*not avoid* accepting the Presidency lately conferred upon me,
 “without involving myself in circumstances exceedingly disa-
 “greeable.

“I now do myself the honour of waiting upon you, gentlemen,
 “to inform you of this event, and to acquaint you, that I am
 “ready to resign the dignity I hold in this Republic, in such
 “manner as you shall judge proper. But permit me to add that
 “my affection and gratitude to the State I never will resign but
 “with my life.

“My words are unable to do justice to my sentiments on this
 “occasion. I cannot but remember that I have transacted a
 “multiplicity of business with most of you for several years,
 “and in times of distress, and have never had the least personal
 “difference with any one of you. I cannot but remember the
 “politeness and kindness with which, in your public and private
 “capacities, you have constantly treated me.

“Be pleased, gentlemen, to receive the warmest thanks my
 “heart can feel for these instances of your goodness; and allow
 “me to trust that you will continue to me the share of your
 “esteem which has been and will always be so great a part of
 “my happiness.

“That Divine Providence may protect and bless you, gentle-
 “men, and that this State may flourish and abound with pros-
 “perities till time shall be no more, is my fervent prayer.

“JOHN DICKINSON.

“Dover, January 11, 1783.”

On motion, by order,

The resolutions of the House of Assembly upon the committee's report on the President's Message of the 11th instant, were read the first time.

Mr. Charles Polk, a member of the House of Assembly, attending, was admitted and delivered to the Chair a resolution for the appointment of a Committee of Accounts.

On motion, by order, the foregoing resolution was read the first time.

By special order, the same was read a second time, concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“TUESDAY, A. M., Jan. 14, 1783.

“On motion,

“*Resolved*, That Messrs. Thomas Kean, Philip Barratt, and Nathaniel Waples be a Committee of Public Accounts, on the part of this House, and that Mr. Polk wait on the Council with a copy of this resolution, and propose to them the appointment of a committee of their body to join with the committee of this House in the business aforesaid.

“JAS. BOOTH, *Cl'k of Assembly*.”

And thereupon, on motion,

Resolved, That Messrs. John Baning and Joshua Polk be a committee on the part of the Council to join with the committee of the House of Assembly in the business above mentioned.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., January 15th, 1783.

The Council met. Present the same members as on yesterday, and also Mr. Joshua Polk.

Ordered, That Mr. Grantham return to the House of Assembly the resolution for the appointment of a Committee of Accounts, with the concurrence and appointment of the Council thereto. That the same member also return to that House the several letters from the Financier, with their inclosures, which were delivered to the Council from the Assembly previous to the late adjournment.

On motion of Mr. Read, that a committee be appointed to prepare and bring in a bill for methodizing the public accounts, and for the more effectual settlement of the same, the same was agreed to.

Whereupon Mr. Read, Mr. Bassett, and Mr. McDonough are appointed a committee for that purpose.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Grantham now reported the delivery of the papers committed to him, according to order.

Adjourned to 10 o'clock to-morrow.

THURSDAY, January 16, 1783.

The Council met. Present the same members as on yesterday, and also Mr. William Polk.

Several of the members attending on committees, the Council adjourned till to-morrow at 10 o'clock.

FRIDAY, January 17, 1783.

The Council met. Present the same members as on yesterday.

Several of the members attending on committees, the Council adjourned till to-morrow at 10 o'clock.

SATURDAY, A. M., January 18, 1783.

The Council met. Present the same members as on yesterday, except Mr. Joshua Polk.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till Monday morning at 11 o'clock.

MONDAY, P. M., January 20th, 1783.

The Council met. Present the same members as on Saturday.

Mr. James, a member of the House of Assembly, attending, was admitted and presented to the Chair a message, dated January 13th, 1783, from the President to the General Assembly, together with a message, of the same instant, from the Vice-President to the General Assembly, inclosing one letter from the Secretary for Foreign Affairs of the 23d of December last; one from the Assistant Secretary of War of the 3d instant, and two from the Financier of the 21st and 23d of October last; besides divers letters and papers containing intelligence of a public nature, and also another message from the same of the 17th inst.

The same member also delivered a letter of the 8th instant, addressed by Captain McKennan to the President of this State, relative to the arrival of the Delaware troops from the Southern army, with a resolution of the House of Assembly founded thereon.

The same member also delivered certain resolutions of the House of Assembly respecting the State schooner.

The same member also delivered an account from Thomas Bradford, printer, for printing done for this State, amounting to £31 : 2 : 6, with a resolution of the House of Assembly for the payment of the same, and a blank order on the State Treasurer, for the above sum, in favor of James Booth, Esq., to enable him to discharge the said account.

The same member also delivered an account from Samuel Smith, Esq., late High Sheriff of New Castle County, for services done, amounting to £7 : 10, with a resolution of the House of Assembly for the payment of the same, and a blank order on the State Treasurer for that purpose.

Adjourned till 10 o'clock to-morrow.

TUESDAY, A. M., Jan. 21st, 1783.

The Council met. Present the same members as on yesterday, and also Mr. Joshua Polk and Mr. Collins.

On motion, by order,

The President's Message of the 13th instant was read, and is as follows, viz :

" Gentlemen of the General Assembly :

" I omitted mentioning in my last address to you that I have
" advanced money and incurred debts to a considerable amount
" for the use of the State. I make no doubt but due care will
" be taken that these shall be soon discharged.

" Dover, January 13th, 1783. JOHN DICKINSON."

On motion, by order,

The message from the Vice-President, of the same date, was read, and follows in these words, viz :

" Gentlemen of the General Assembly :

" In the absence of the President from the State, and upon
" his request, signified to me by a letter dated at Philadelphia,
" the 4th of November last, I assumed the administration of the
" government, agreeable to the Constitution, a few days after
" your adjournment of the last sessions, and have exercised the
" same during your late recess, with every endeavor to discharge
" the important trust thus devolved upon me, with diligence and
" fidelity.

" The trade of this State on the Bay and River Delaware, at
" the time I entered upon the administration, evidently required
" every possible exertion for its protection, and the insufficiency
" of our funds prevented the equipment of the State schooner
" for that purpose. I therefore judged it most advisable to fit
" out the said vessel, if practicable, in concert with the State of
" Pennsylvania, whose interests are equally affected by the ene-
" my. Accordingly, with the concurrence of several members
" of the Council and Assembly, on the 13th of November last,

“I issued instructions to Charles Pope, Esq., commander of the said schooner, to contract with the Marine Commissioner of Pennsylvania, for transferring to that State, by way of sale, a part of the said vessel, and generally to concur with them in adopting such measures as might be requisite for her speedy equipment for the protection of the trade. The Secretary will lay before you a duplicate of these instructions, and the correspondence between the said commissioners and Charles Pope, by which you will perceive that he has been unable to effectuate the measures recommended to him.

“This State having incurred a considerable debt in building and arming the said vessel, and our funds at this time being inadequate to her present equipment and regular maintenance, I beg leave to suggest it, as expedient, that application be made to the State of New Jersey to employ the said vessel jointly with this State for the protection of the trade of both, which is similarly circumstanced and equally exposed. If this measure is unattainable, or does not meet with the approbation of the General Assembly, I think it would redound to the interest of the State that she should be sold.

“I have directed the Secretary to lay before you the following letters—one from the Secretary for Foreign Affairs of the 23d of December last—one from the Assistant Secretary at War, of the 3d instant—and two from the Financier, of the 21st and 23d of October last.

“To the requisitions of Congress, inclosed in the letters from the Financier, I have no doubt but that your honors will pay that attention which their importance require ; and I beg leave to recommend to you that a distinction and appropriation of the public taxes, which Congress have strongly urged for obvious and cogent reasons, be made.

“The Secretary will also lay before you divers letters and papers containing intelligence of a public nature, which I have received in the recess of the General Assembly.

“JOHN COOK, *Vice-President.*

“Dover, January 13, 1783.”

On motion, by order,

The Vice-President's Message of the 17th instant was also read, and is as follows, viz :

"Gentlemen of the General Assembly :

"I last evening received intelligence from Capt. McKennan, commanding that part of the Delaware Regiment which have been doing duty in the Southern Army, that he is on his march to this State and may be expected by the twentieth instant. Lieutenant Hyatt has been sent forward with this information, and to assist in making preparation for the reception of those troops. As I am not informed from any public authority that they are destined for any service immediately, it will be necessary that provision and quarters should be had and made for them forthwith, and therefore I recommend this business to you. The Secretary will lay Capt. McKennan's letter before you, and should the General Assembly wish to be further informed of the numbers and conditions of the returning troops, Lieut. Hyatt will attend them. As the other part of the Delaware Regiment is quartered in the City of Philadelphia, I think it right to transmit the account of the advance of those under Capt. McKennan to the Secretary at War, or this State's Delegates in Congress, that I may certainly know whether quarters for the winter or only temporary ones ought to be provided for them in this State ; but of this measure I shall be glad to know the sense of the General Assembly.

"JOHN COOK, Vice-President.

"Dover, January 17th, 1783."

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., Jan. 22d, 1783.

The Council met. Present the same members as on yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the account from Thomas Bradford, printer, and the resolution of the House of Assembly founded thereon, were severally read the first time, together with the order drawn for the payment of the same in favor of Jas. Booth, Esquire.

On motion, by order,

The account from Samuel Smith, Esq., late Sheriff of New Castle County, for services done, and the resolution of the House of Assembly for the payment of the same, and the order drawn for that purpose, were severally read the first time.

On motion, by order,

The foregoing account of Thomas Bradford, printer, was read the second time and allowed.

On motion, by order,

The resolution founded thereon, was read the second time, concurred in, and follows in these words, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ THURSDAY, A. M., Jan. 16, 1783.

“ An account was presented to the Chair from Thomas Bradford, for printing done for this State, amounting to £31 : 12 : 6,
“ which was allowed ; thereupon

“*Resolved*, That the Speakers of both Houses draw an order
“on the State Treasurer for the payment of the above sum to
“James Booth, to be by him applied to the discharge of the
“aforesaid debt due to Thomas Bradford from this State.

“JAS. BOOTH, *Cl'k of Assembly*.

“Sent for concurrence.”

On motion, by order,

The account from Samuel Smith, Esq., was read the second time and allowed.

On motion, by order,

The resolution of the House of Assembly for the payment of the same, was read the second time, concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“FRIDAY, Jan. 17, 1783.

“An account was presented to the Chair from Samuel Smith, Esq., late Sheriff of New Castle County, amounting to seven pounds ten shillings, which was read and allowed.

“*Resolved*, That the Speakers of both Houses draw an order
“on the State Treasurer for the payment of the said sum of
“seven pounds ten shillings to the aforesaid Samuel Smith.

“JAS. BOOTH, *Cl'k of Assembly*.

“Sent for concurrence.”

And thereupon the orders drawn on the State Treasurer for the payment of the two foregoing accounts were severally signed by the Speaker.

The committee appointed to prepare and bring in a bill for methodizing the public accounts, and for the more effectual settlement of the same, now reported that they had essayed a draught of a bill for that purpose ; which was laid on the table, and, by order, read the first time.

Adjourned to 10 o'clock to-morrow.

THURSDAY, A. M., Jan. 23d, 1783.

The Council met. Present all the members.

Mr. Davis, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill for raising 26,250 pounds for the service of the present year, accompanied with sundry requisitions of Congress, and other papers, on which the same was founded.

The same member also delivered the accounts of George Craghead, the Clothier-General of this State, with the report of the joint committee thereon, and a resolution of the House of Assembly for the payment of £481 : 2 : 8 to the said George Craghead, Esq.

Mr. Duff, a member of the House of Assembly, was admitted and delivered to the Chair a message from the Vice-President to the House of Assembly on the subject of a letter addressed to him by William Winder, Esq., the Commissioner appointed for adjusting the accounts between this State and the United States, with its inclosures, and a resolution of the House of Assembly founded thereon.

Mr. Collins, a member, &c., was admitted and delivered to the Chair an account of John Gorden, Esq., late Sheriff of Kent County, amounting to £7 : 10 ; with a resolution of the House of Assembly for the payment of the same.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the report of the Joint Committee of Accounts on the Clothier-General's accounts, and the resolution accompanying the same, were severally read the first time.

By special order, the same were read a second time, and the resolution was concurred in.

On motion, by order,

The account of John Gorden, Esq., amounting to £7 : 10, and the resolution of the House of Assembly for the payment of the same, were severally read the first time.

By special order, the same were read a second time, and the said account was allowed, and the resolution concurred in.

Ordered, That Mr. Collins return to the House of Assembly the Clothier-General's accounts, the report of the Committee of Accounts thereon, and the resolution for the payment of £481 : 2 : 8 to the said Clothier-General, concurred in by the Council; and that he also return the accounts of John Gorden and Samuel Smith, Esqs., for seven pounds and ten shillings each, and the account of Thomas Bradford, printer, amounting to £31 : 12 : 6, together with the several resolutions for the payment of the said sums, severally concurred in, to the House of Assembly.

Mr. Collins reported the delivery of the foregoing papers according to order.

On motion, by order,

The bill for raising £26,250 for the service of the year 1783, was read the first time.

On motion, by order,

The Vice-President's Message on the subject of Mr. Winder's letter, and the resolution founded thereon, were severally read, and the said resolution was concurred in.

Ordered, That Mr. Polk return the foregoing message and resolution, with the concurrence of the Council thereto, to the House of Assembly;

Who, being returned, reported the delivery of the same according to order.

On motion of Mr. Read, that leave be given him to bring in a bill "For preventing and punishing the counterfeiting of the common seal, bank bills and bank notes of the President, Direc-

tors and Company of the Bank of North America," the same was granted ; whereupon a draught of a bill for that purpose was laid on the table, and, by order, read the first time.

On motion for the second reading of the resolutions upon the committee's report on the President's Message of the 11th January instant, the same was seconded, and passed in the negative.

An order on the State Treasurer in favor of George Craghead, Esquire, for the payment of £481 : 2 : 8, was presented by the Speaker of the House of Assembly, in order to be signed by the Speaker of the Council ; which was accordingly done, and returned.

Adjourned till to-morrow at 10 o'clock.

FRIDAY, Jan. 24, 1783.

The Council met. Present all the members.

On motion, by order, the bill for auditing and arranging the accounts of this State, and for the more speedy and effectual settlement of the same, was read the second time and postponed for consideration.

Mr. Molleston, a member of Assembly, was admitted and delivered to the Chair the accounts of Wm. Millan, late Receiver of Supplies for New Castle County, and their vouchers, together with the proceedings of the House of Assembly upon the said accounts.

Mr. Kean, a member of Assembly, attending, was admitted and delivered to the Chair the returns of the Second Delaware Regiment, commanded by Lieut. Colonel Henry Neill, together with the pay-rolls of the several officers belonging to the said regiment.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., Jan. 25, 1783.

The Council met. Present the same members as on yesterday.

On motion, by order,

The bill for auditing and arranging the accounts of this State, &c., was read a third time, by paragraphs, for the consideration and amendment of the Council, and after some time spent therein the same was postponed till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The Council now resumed the consideration of the bill for auditing and arranging the accounts, &c., and after some time spent therein the further consideration is postponed till Monday morning at ten o'clock.

Adjourned till Monday at 10 o'clock.

MONDAY, Jan. 27, 1783.

The Council met. Present the same members as on Saturday last.

Mr. Charles Polk, a member of Assembly, attending, was admitted and delivered to the Chair a bill to exclude members of the General Assembly from places of profit, &c.

The Council now proceeded in the further consideration of the bill for auditing and arranging the accounts of this State, &c.,

agreeable to the order of the day, and the same, after some debate, will pass.

Ordered, That the same be transcribed and sent, for consideration and concurrence, to the House of Assembly.

Mr. Hazzard, a member of Assembly, attending, was admitted and delivered to the Chair the report and state of the public accounts by the Auditor, William Killen, Esq., together with the vouchers thereto belonging and accompanying the same.

Mr. Waples, a member of Assembly, attending, was admitted and delivered to the Chair a resolution respecting the adjournment of the General Assembly on Saturday next to some future day.

Mr. Duff, a member of Assembly, attending, was admitted and delivered to the Chair a petition of James Abbott, and also a petition of George Abbott and Charles Williams, which, after their second reading in the House of Assembly, were referred to Capt. James Moore, Superintendent of the Recruiting Service, to do therein what the good of the service and the laws of the State may require.

Mr. Bassett presented the Chair with Mr. Dickinson's resignation of the Presidency of this State, by a writing, under his hand and seal, dated at Dover, Jan. 14, 1783.

On motion, Mr. Bassett has leave of absence till 3 o'clock to-morrow afternoon.

On motion, by order,

The bill for preventing, &c., counterfeiting of the common seal, bank bills, &c., of the Bank of North America, was read second time.

The same was read the third time, by paragraphs, and passed the Council.

Ordered that the same be transcribed.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., Jan. 28, 1783.

The Council met. Present the same members as on yesterday, except Mr. Bassett.

Ordered, That Mr. Collins deliver to the House of Assembly the bill for auditing and arranging the accounts of this State, &c., together with the bill for preventing and punishing the counterfeiting of the common seal, bank notes, &c., of the Bank of North America, for their consideration.

Dr. Ridgely, a member of Assembly, attending, was admitted and delivered to the Chair a letter from John Pringle, dated the 28th instant, to Col. Charles Pope, respecting the State schooner, together with a proposal for the appointment of a committee of the Council to confer with a committee of the House of Assembly on the subject matter of the said letter.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Collins now reported the delivery of the papers committed to him, according to order.

On motion, by order,

The letter from John Pringle, and the proposal for an appointment of a committee on the part of the Council to confer with a committee of the House of Assembly on the subject of the said letter, were severally read the first time.

By special order, the said resolution was read a second time and concurred in.

And thereupon

Resolved, That Messrs. Collins and McDonough be a committee on the part of this House to confer with the committee of the House of Assembly on the business above mentioned.

Ordered, That the said letter and resolution, with the concurrence and appointment of the Council thereto, be returned, by Mr. Grantham, to the House of Assembly;

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

Mr. Dickinson's resignation of the Presidency of this State, by a writing under his hand and seal, was read the first time, and is as follows, viz :

"I, the subscriber, hereby resign to the General Assembly
"of the Delaware State the office of President, Commander-in-
"Chief and Capt.-General of the State. In witness whereof I
"have hereunto set my hand and affixed my seal, at Dover, this
"fourteenth day of January, in the year of our Lord one thou-
"sand seven hundred and eighty-three.

"(Signed)

JOHN DICKINSON."

On motion, by order,

The petitions of James Abbott and George Abbott were severally read the first time.

On motion, by order,

The bill to exclude members of the General Assembly from places of profit, &c., was read the first time.

On motion, by order,

Lieut.-Col. Henry Neill's pay-roll of the Second Delaware Regiment was read the first time.

On motion, by order,

The bill for raising £ 26,250 for the service of the present year was read the second time.

Adjourned till to-morrow at 10 o'clock.

WEDNESDAY, A. M., Jan. 29th, 1783.

The Council met. Present the same members as on yesterday, and also Mr. Bassett.

The Council, taking into consideration the resolutions of Congress of the 30th of October and 2d of November, 1781, came to the following resolution, viz :

WHEREAS Congress, by their resolutions of the 30th of Oct. and 2d of Nov., 1781, called upon the United States for their respective quotas of eight millions of dollars for the war department and civil list for the then ensuing year, of which sum this State's computed quota was 112,085 dollars; and whereas the act of Assembly entitled "An act for raising £ 23,625, in specie, for the service of the year 1782," passed the 13th day of November, 1781, recognizing the requisition of Congress for a quota of supplies and money necessary for supporting the Army of the United States, and defraying other expenses incurred in the prosecution of the present war, is the only fund out of which any part of the computed quota aforesaid may be discharged; and whereas by the said act of Assembly the said sum of £23,625, when brought into the Treasury, is made subject to the joint draughts of the Speakers of the Council and Assembly by order of their respective Houses ; it is therefore

Ordered and Resolved, That the respective Speakers be and hereby are authorized and required to make and subscribe a joint draught upon or warrant to the State Treasurer to pay to the Receiver appointed by the Superintendent of Finance within this State, upon the order or orders of the said Superintendent, the sum of £21,015 : 18 : 9, equal to one moiety of this State's computed quota of the said 112,085 dollars, out of the monies which shall come into the Treasury of the State under or by means of the above mentioned and recited act of Assembly, the said State Treasurer taking such Receiver's receipt on the order of the Superintendent of Finance.

Ordered that the same be transcribed.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That Mr. Bassett deliver the foregoing resolution to the House of Assembly, for their consideration and concurrence.

Mr. Bassett reported the delivery thereof according to order.

On motion, by order,

The bill for raising £26,250, &c., for the service of the present year, was read the third time, by paragraphs, and after some time spent therein the further consideration is postponed till to-morrow morning.

Mr. James, a member of Assembly, attending, was admitted and delivered to the Chair the bill for auditing and arranging the accounts of this State, &c., with a paper of amendments proposed thereto by the House of Assembly.

The same member also delivered the bill for preventing and punishing the counterfeiting of the common seal, bank notes, &c., with a paper of amendments proposed thereto.

The same member also returned the resolution of Council, founded on the resolutions of Congress of the 30th October and 2d November, 1781, with a paper of amendments proposed thereto.

The same member also delivered a proposition from the House of Assembly for nominating persons to be balloted for as Delegates from this State to Congress.

Adjourned till 9 o'clock to-morrow morning.

THURSDAY, A. M., Jan. 30, 1783.

The Council met. Present all the members.

On motion, by order,

The general account of William Millan, and the report of the committee of the House of Assembly on the same, were read the first time, and an amendment was proposed to the general account; which was agreed to, and ordered to be transcribed.

The committee of Council appointed to confer with the committee of the House of Assembly on the subject matter of Mr. John Pringle's letter relative to the fitting out of the schooner belonging to this State, now laid their report on the table.

The Council now proceeded in the further consideration of the bill for raising £26,250, &c., by a general tax, and the same is further postponed till the afternoon.

Ordered, That Mr. Grantham deliver to the House of Assembly the President's resignation of the Presidency of this State, together with the general account of William Millan, and the paper of amendments proposed thereto by the Council.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and debated upon the paragraphs of the bill for raising £26,250, and sundry amendments were proposed, agreed to, and ordered to be transcribed and sent, by Mr. Grantham, to the House of Assembly; who now reported the delivery of the papers committed to him, according to order.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the account of Robert Bryan, Esq., Treasurer of New Castle County, for money advanced to the officers and

soldiers of the Delaware Regiment, amounting to £255 : 19 : 4, together with a resolution of the House of Assembly for the payment of the same to the said Robert Bryan, and a blank order for that purpose.

The same member also delivered a petition of Wm. Simpson, with the report of the House of Assembly thereon, and a blank order in favor of the said Wm. Simpson.

The same member delivered W. Peery's account for money paid Col. Chas. Pope, for £455, with resolution for payment of the same.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair the general account of Wm. Millan, and the amendment proposed thereto by the Council acceded to by the House of Assembly.

Mr. Charles Polk, a member of Assembly, was admitted and delivered to the Chair a bill for discharging the half pay of officers of the Delaware Regiment dying in the service to their widows, &c.

Mr. William Polk presented to the Chair a petition from Isaac Short, a soldier in the Delaware Regiment.

Adjourned till to-morrow at 10 o'clock.

FRIDAY, A. M., Jan. 31st, 1783.

The Council met. Present all the members.

On motion, by order,

The report of the committee of the House of Assembly on Wm. Millan's account, was read the first time.

By special order, the same was read the second time, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ FRIDAY, A. M., Jan. 24, 1783.

“ The House resumed the consideration of the accounts of
 “ William Millan, late Receiver of Supplies for New Castle
 “ County, and the same being examined and approved, it ap-
 “ pears that there is a balance of £49 : 0 : 4 due from the said
 “ Wm. Millan to this State ; but it is hereby declared, that such
 “ errors or delinquencies as may happen on the uncollected
 “ supplies, amounting to £594 : 9 : 9 $\frac{3}{4}$, with which the said
 “ William Millan is charged in the aforesaid account, shall be
 “ hereafter allowed to him upon his producing the same, pro-
 “ perly authenticated under the hands of the Justices of the Peace
 “ of the hundred in which such delinquency may happen.

“ JAS. BOOTH, *Cl'k of Assembly.*

“ Sent for concurrence.

Ordered, That Mr. Grantham return the foregoing report, with the concurrence of the Council thereto, and the several accounts and vouchers accompanying the same, to the House of Assembly.

Mr. Grantham reported the delivery of the papers above mentioned to the House of Assembly.

The Council now took into consideration the amendments proposed by the House of Assembly to the bill for auditing and arranging the accounts of this State, &c., and proposed additional amendments to the said bill, and also to the said amendments of the House of Assembly ; which were ordered to be transcribed.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair a message from the House of Assembly to the Council, of this morning, relative to the address or resignation of John Dickinson, Esq., late President of this State, accompanied with the said address.

Ordered, That Mr. Collins deliver to the House of Assembly the bill for auditing and arranging the accounts of this State, &c., with their paper of amendments generally acceded to by the Council, and a paper of additional amendments, to the said bill and amendments of the House of Assembly, proposed by the Council.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Collins now reported the papers committed to him delivered according to order.

On motion, by order,

The message from the House of Assembly to the Council was read, and is as follows, viz :

“A MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

“*Gentlemen :*

“The Assembly transmitted to your House their resolutions of the fourteenth instant, founded on an address, which is also before you, from John Dickinson, Esq., President of the Supreme Executive Council of the Commonwealth of Pennsylvania, and late President of this State, for your consideration and concurrence ; and as the said resolutions are not yet returned, it is uncertain whether your house have acted or intend to act thereon.

“The present circumstances of the State, in the opinion of this House, require the determination of the General Assembly on the subject of the said resolutions, and therefore this House think it their duty to request that your honors may return the same, either altered, amended, confirmed, or rejected, by your House, agreeable to the Constitution.

“Signed by order of the House of Assembly,

“(Signed) SIMON KOLLOCK, *Speaker*.

“Dover, Jan. 31, 1783.”

Mr. Barratt, a member of Assembly, was admitted and delivered to the Chair the bill for raising £26,250, &c., with the paper of amendments proposed thereto by the Council in part acceded to in part disagreed to by the House of Assembly, and a paper of amendments proposed by the House of Assembly to the said amendments of the Council.

The resignation of John Dickinson, Esq., as President and Commander-in-Chief of this State, being read, thereupon

Resolved, That the same be accepted.

Resolved also, That the place of President being now vacant, Mr. McDonough wait upon the House of Assembly and propose to them that both Houses of the General Assembly meet at 10 o'clock to-morrow, in the Council Chamber, to put in nomination persons to be balloted for as President of this State.

On motion, by order,

The resolution of the House of Assembly for nominating persons to be balloted for as Delegates to Congress, was read.

Ordered, That Col. McDonough wait upon the House of Assembly and inform that House that the Council propose Saturday, at 10 o'clock in the forenoon, for the time of the meeting of the two Houses of the General Assembly, in the Council Chamber, for the purpose mentioned in the above resolution.

Mr. McDonough reported the delivery of the above mentioned papers according to order.

On motion, the Council came to the following resolutions, viz:

WHEREAS great delays have happened in the collection of the State tax directed to be raised by the two several acts of Assembly, passed in the months of June and November, 1781, to the injury of public credit and public service ; therefore

Resolved, That the respective County Treasurers of this State do forthwith call upon the several Collectors of Hundreds within their County to render a true and just account of and pay unto the Treasurer of their County the sums which each Collector ought to have paid either under the act of Assembly of this State entitled "An act for raising seven thousand eight hundred and seventy-five pounds, in specie, for the service of the year 1781, by a general tax," passed the 18th of June, 1781, or under the the act entitled "An act for raising £23,625, in specie, for the service of the year 1782, passed the 13th November, 1781.

Resolved also, That in case of non-payment of the whole of the sums they ought to have respectively paid under the said act of June, 1781, and of at least three-fourths parts of the sums they

respectively ought to have paid according to the directions of the said act of Nov., 1781, by or before the 25th day of April next, the said County Treasurers, respectively, shall certify the names of such defaulting Collectors, with the sums which they ought to have paid, to the Clerk of the Peace of his County, who, under the direction of the Attorney General, shall cause suits to be brought upon the bonds given by such defaulters for the faithful performance of their duties in the execution of the respective respective acts aforesaid, returnable to the next May term.

Resolved, That copies of the foregoing resolutions be made out and forthwith delivered, as well to the respective County Treasurers aforesaid as to the several Clerks of the Peace, Attorney General and State Treasurer, which Treasurers and Attorney General are to report their proceedings in the premises to the General Assembly, at their next sitting.

Ordered, That Mr. Joshua Polk deliver the same to the House of Assembly.

Mr. Polk reported the delivery according to order.

On motion, by order,

The bill for discharging the half pay of officers of the Delaware Regiment, dying in the service, to their widows, &c., was read the first time.

On motion, by order,

The report of the committee of conference on the subject matter of Mr. John Pringle's letter respecting the State schooner, was read the first time.

Mr. Waples, a member of Assembly, delivered to the Chair the following verbal message, viz :

“A VERBAL MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

“*Gentlemen :*

“The House of Assembly agree to your proposition that both Houses of the General Assembly meet, in the Council Chamber, to-morrow at ten o'clock in the forenoon, for the purpose of nominating persons to be balloted for as President and Com-

“mander-in-Chief of this State, and also as Delegates from this State to Congress for the ensuing year; at which time and place the Assembly will meet your honorable House for the transaction of this business.

“Friday, P. M., Jan. 31, 1783.”

The same member returned the resolution respecting the Collectors of the Public Taxes, concurred in by that House.

Adjourned till to-morrow at 10 o'clock.

SATURDAY, A. M., February 1st, 1783.

The Council met. Present all the members.

Ordered, That Mr. McDonough wait on the House of Assembly and inform them that the Council are now ready to receive them, in the Council Chamber, to put in nomination persons to be balloted for as President of this State, and also as Delegates to represent this State in Congress for the ensuing year.

The House of Assembly met the Council, in the Council Chamber, agreeable to the order of the day, and proceeded to the nomination of persons to be balloted for as President, whose names were taken down for the consideration of the members of both Houses.

Previous to the nomination for persons to be balloted for as Delegates to Congress, it was

Resolved, That four persons be elected to represent this State in Congress for the ensuing year.

Then the General Assembly proceeded to the nomination of Delegates; but before this business was completed, a question was moved by Mr. Peery, “whether any persons who are not inhabitants of or resident within this State should be elected to represent the State in Congress.” Then the previous question was moved and seconded, and being put, passed in the negative.

The General Assembly, having completed the business for which it convened,

On motion, agreed that the two Houses now separate, and meet, in the Assembly Room, at 4 o'clock this afternoon, to ballot for a President and Delegates to Congress above mentioned.

Then the House of Assembly withdrew, and the Council adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Duff, a member of Assembly, informed the Council that the House of Assembly were ready to receive them, in the Assembly Room, to ballot for a President, and also for Delegates to Congress, out of the persons before nominated.

The Council met the House of Assembly, in the Assembly Room, and there, in General Assembly, proceeded to the election of a President for the State, and the members of both Houses, to wit: nine of the Council and twenty-one of the House of Assembly, then present, having prepared tickets with the name of the President to be appointed and put the same into a ballot-box, the Speakers of the two Houses, in the presence of the other members, examined the ballot-box, and it appeared that eighteen votes out of thirty were in favor of the Honorable Nicholas Vandyke, Esquire; whereupon the said Nicholas Vandyke, Esquire, is declared duly elected President of this State for the term of three years next ensuing, and until the sitting of the next General Assembly thereafter, and no longer, agreeable to the present Constitution or system of government.

The General Assembly then proceeded to the election of Delegates to represent this State in Congress for the ensuing year out of the persons put into nomination in the forenoon, and the ballots being examined, it appeared that there was a majority of

votes in favor of Cæsar Rodney, James Tilton, Eleazar McComb, and Gunning Bedford, Jr., Esquires; whereupon the said Cæsar Rodney, James Tilton, Eleazar McComb, and Gunning Bedford, Jr., Esquires, are declared duly elected Delegates to represent this State in Congress for the ensuing year.

On motion, agreed that the two Houses now separate. Then the Council withdrew, and adjourned till 10 o'clock on Monday next.

MONDAY, P. M., Feb. 3, 1783.

The Council met. Present all the members, except Mr. Joshua Polk and Mr. Bassett.

On motion, by order,

The resolutions of the House of Assembly respecting the sale of the State schooner were read the first time.

By special order, the same were read the second time, and the first of the said resolutions was concurred in, which respected the propriety of the Vice-President's instructions to Colonel Charles Pope as to the sale of a part of the said schooner. The latter was disagreed to; and thereupon the Vice President's Message of the 13th instant, and the several papers relative to the same subject, and referred to in the said message, were also read; and the same being read, Mr. William Polk moved for leave to bring in a bill for fitting out or selling the said State schooner, which was granted; and thereupon a bill, entitled "An act for fitting out or selling the State schooner," was laid upon the table, and, by order, read the first time.

On motion, by order,

The petition of Isaac Short was read and referred to Messrs. Grantham and McDonough, to inquire into the state of the facts alleged therein and to report their opinion on the same.

On motion, by order,

The petition of James Abbott was read the second time and referred to the same committee.

On motion, by order,

The joint petition of George Abbott and Charles Williams was also read the second time and referred to the same committee.

On motion, the resolution of the General Assembly of this State, of the 12th February, 1781, appointing William Peery, Esq., to settle and state all the accounts between this State and the United States, and empowering him to call for such books and papers relating to the said accounts as might have come to the hands of any person in public office, and directing him to make his report to the General Assembly as soon thereafter as might be, returning therewith as many original vouchers as could be procured, or authentic copies, or other the best documents that might be obtained, was ordered to be read, and the same being read, and no report appearing to have been made thereon,

Resolved, That whereas, by the capture made by the enemy of the public papers in New Castle County, in the month of September, 1777, many of the original vouchers for supporting this State's account against the United States were then carried off, and the want of several of them only to be supplied by the minutes or memory of divers persons previous to that time engaged in the public transactions; and that whereas the vouchers of charge subsequent to that time are much dispersed and irregularly kept, that a Commissioner on the part of the United States having been appointed to make a settlement of all accounts between them and this State, and Mr. Peery authorized to lay the public accounts of this State against the United States before the said commissioner for liquidation and settlement, it is highly necessary that the General Assembly, previous to a final settlement of the said accounts, be informed in what state of readiness the same accounts are for such settlement; therefore

Resolved, That Mr. Peery be called upon to report his proceedings under the said resolution of the 12th of February, and that he return to the General Assembly an abstract or list of the several charges selected by him and to be made in this State's accounts against the United States, specifying generally the service and the time thereof, with the sum charged therefor, to the end that omissions, if any, may be discovered and supplied.

Resolved also, That a copy of the foregoing motion and resolutions be forthwith made and delivered to Mr. Peery.

Adjourned till to-morrow at 10 o'clock.

TUESDAY, A. M., Feb. 4, 1783.

The Council met. Present all the members, except Mr. Bassett and Mr. Joshua Polk.

Ordered, That Mr. Baning deliver to the House of Assembly the resolutions directing a report of the state of the accounts between this State and the United States.

Mr. Baning, being returned, reported the delivery thereof according to order.

On motion, by order,

The amendments proposed by the House of Assembly to the resolutions of the Council founded on the resolutions of Congress of the 30th October and 2d November, 1781, were read, considered and agreed to.

Ordered, That the said resolutions, as amended, be transcribed and sent to the House of Assembly for concurrence.

Mr. Gordon, a member of Assembly, was admitted and returned the resolutions directing a report of the state of the accounts between this State and the United States, with the concurrence of the House of Assembly thereto.

The Council now took into consideration the amendments proposed by the House of Assembly to the bill for preventing and punishing the counterfeiting of the common seal, &c., of the Bank of North America, and agreed that the bill thus amended should pass the House and be engrossed.

On motion, by order,

The Council now took into consideration the several amend-

ments proposed by them and by the House of Assembly to the bill for raising £26,250, &c., and, upon the motion and question, "Shall the Council adhere to their first amendment by striking out the words [twenty-six thousand two hundred and fifty] and inserting instead thereof the words [thirty-nine thousand]?" the Council determined to adhere to their said amendment.

Mr. W. Polk required the yeas and nays on the said question to be entered on the minutes. They are as follows, viz :

For the question—Mr. Read, Mr. McDonough, Mr. Grantham, Mr. Collins.

Against the question—Mr. William Polk, Mr. Baning.

The question was carried.

Upon the motion and question, "Shall the Council adhere to their 11th, 12th and 14th amendments, for the changing the mode of the collection of the State tax, proposed by the said bill, by vesting the power of collection in one person in each county, he to be accountable in the Auditor's office by rendering his accounts there of the collections on the 20th of July and the 1st of November, and finally accounting there on the said 1st day of November, paying in the meantime to the State Treasurer, on the first days of June and October, the several proportions directed to be raised in each county, thereby changing the collection from the collectors of hundreds and their account and payment to the County Treasurer, and by him to the State Treasurer?" the Council determined to adhere to the said amendments.

And thereupon Mr. W. Polk required the yeas and nays on the same question to be entered on the minutes. They are as follows, viz :

For the question—Mr. Read, Mr. McDonough, Mr. Grantham, Mr. Collins.

Against the question—Mr. Wm. Polk, Mr. Baning.

The question was carried.

Thereupon the following message, stating the reasons of the Council's adherence to their said amendments, and rejecting

those proposed by the House of Assembly, was drawn up, read, agreed to, and ordered to be transcribed, to wit :

Gentlemen :

The Tax Bill for the present year, with its respective amendments, hath been further considered by the Council, and upon mature deliberation they are still of opinion, that the sum of *thirty-nine thousand pounds*, as proposed in their first amendment, is a necessary one, to be raised for the uses expressed in the bill, to wit: to answer the two requisitions made by Congress of *forty-four thousand eight hundred dollars*, the payment of the sums due to the inhabitants of the State for supplies furnished for the Army of the United States, money borrowed on the credit of the State, and public services performed in, or on behalf of the State, and to be paid for by the State in the first instance, the interest on certificates given to the officers and soldiers of the Delaware Regiment, and the necessary and incidental expenses of the State within the year. The Council are satisfied that even this sum will be inadequate to these purposes, but, from the deficient manner in which the public accounts of the State have been kept, they do not pretend to say with precision how much more will be wanting ; and when the Council advert to their second proposed amendment, acceded to by your House, they must suppose that such was your opinion ; for as the bill first stood the sum therein of £26,250 must have been considered as only adequate, or nearly so, for the purposes there expressed in its preamble, which limited the sums to be paid to the inhabitants for supplies furnished for the army to the latter part of the year 1780, or beginning of the year 1781, to monies borrowed within the same time, omitting all prior demands of the inhabitants of the like sort, which probably when taken together will amount to more than the specified ones of the latter part and beginning of those two years, and further confining the public services, which this State is to pay in the first instance, to those performed by the officers and soldiers of Col. Neil's Battalion of Militia in the fall of the year 1780, when prior services, yet unpaid, will probably double the sum that battalion is entitled to ; therefore taking it for granted that so much or more will be wanted for all these purposes, the Council apprehend it to be prudent and wise to make a provision somewhat adequate to the necessary uses there generally mentioned, and prevent any suspicion that might be entertained of

postponing one just creditor of the State to another, and particularly to avoid a preference of the latter creditor to the prior one of some more years standing, and that the General Assembly, in whom the disposition and application of the remaining part of the £39,000 is, after discharging the two requisitions of Congress, may have it more in their power to satisfy the old, and many very poor creditors of the State, and make some advances towards the restoring of public faith and public credit within the State, essentially necessary to its welfare and existence: whereas on the other hand, if the sum should be confined to the one in the original draught of the bill, there must be partial payments, and those payments may fall to the lot of the later creditor, according to the influence he may make at the time of such disposition. We should not, and we ought not, even to leave any cause for such suspicion when in our power to prevent it. The Council are well aware of the great want of a due medium of circulating specie within the State, and the difficulty attending the carriage of its produce to a market where a further supply thereof might be obtained, but they are of opinion that the difficulty may be surmounted, for that they know very many of the taxables of the neighboring States have and do still combat greater evils of the like kind. The Council conceive it to be their duty to exhibit the actual wants of the State to their constituents, that they may provide accordingly, and judge it ill policy to continue the practice of leaving the debts of preceding years unprovided for and unnoticed, to accumulate, and by that means put it out of the power of their constituents to pay them perhaps ever, as each succeeding year will have its particular charge, and an increased one when we are called upon to provide for the payment of the interest of the national debt which the United States have contracted during the present war. A further argument which weighs with the Council, is, that they have reason to believe that it was the intention of Congress, when they fixed their demand upon the United States only to *two million of dollars* of the *six million* which was their estimate for the War and Civil Department, (relying upon obtaining the other *four million* by way of loan in Europe), thus to afford the States in the Union an opportunity to raise extra sums to discharge their former internal debts; this opportunity ought to be laid hold of; justice to the public creditors of the State, and the true interest of our constituents demand it of us—yet if, upon further deliberation had by your honorable House, you shall be of opinion, that the time

specified in the bill, and enlarged by our amendment, for the collecting and finally paying in the said sum of £ 39,000 may be further enlarged and thereby tend to the greater ease of the taxables of the State, we shall have no objection to such a proposition. As to the mode of collecting and after accounting for the receipt and payment of those quotas in each County, as proposed in our 11th, 12th and 14th amendments to the said bill, we are decidedly of opinion, that it ought to be adopted, and therefore adhere to those amendments. The barely stating the two different modes proposed by the respective Houses, will perhaps tend to throw light on the question, which of the two is the most eligible : The one in the original bill is a collection to be made by twenty-four persons in the three Counties, ten, nine, and five of which number are respectively to account with and pay to three more persons, one in each County, viz : the Treasurers thereof, and they after to account and pay to the State Treasurer, and he finally to a committee of the General Assembly ; so that the persons in the receipt and management of this public tax account with one another, except the State Treasurer. As we cannot consider the accounting of the County Treasurer with the Levy Court, or their committee, in any degree either proper or satisfactory, no report, return or certificate thereof being to be made to the General Assembly, who ought to be perfectly and minutely informed of the monies drawn from their constituents for public purposes in every stage of receipt and payment ; and further, that none of the first twenty-seven persons are of the nomination or appointment of the representative body, which directs the raising and applying of the State tax ; so that let the choice of any of them be ever so improper, or they be totally unfit for such duties, the General Assembly must adopt them with all their imperfections, and solely rely on a circuitous remedy on the bonds to be given for the performance of their duties ; with this, that there must be twenty-four accountings, such as they are to be, more under the bill than under the proposed amendments ; for that by the amendments one collector for each County appointed by the General Assembly, and in case of disability or removal, after by a session of Justices in each County, makes the whole collection of the quota of his County, and pays over the respective portions of such quota immediately into the State Treasury at the times limited for such payment, and in seven weeks after his first payment, and in one month after his second payment, he is to adjust and settle, in the office of the

Auditor of Accounts, for the amount of each portion, with an allowance of *three per cent.* The balance of the first portion is to be carried into his second account, and its balance paid to the State Treasurer in about seven weeks after settlement thereof, and in case of failure, chargeable with an interest of *ten per cent.* till paid.

By this mode, proposed by the Council, the collection is made by three, the accounting for, receipt and payment into the State Treasury by the same three, and that accounting is with the immediate officer of the General Assembly, the Auditor of Accounts, whose situation is to be at Dover, nearly central as to the State, and the place of meeting of the General Assembly, where each member of the legislative and executive powers of the State may resort, and at a single view discover a state of such receipt and payment. And further, as to the accounting by the State Treasurer, the provisions in the amendments by Council are, that he shall once in three months transmit into the Auditor's office an exact state as well of all the monies by him received, with the names of the persons by whom paid, and the time of payment, as of the monies by him paid, to whom, on what account or order, and the time when; and at the expiration of each year appear in the said office and lay his general account before the Auditor, who is to adjust the same. After this just representation of the two modes, the Council cannot suppose it necessary to urge any arguments further, tending to shew that the first mode of collection and account, as proposed by the original bill, is a complex one, requiring so many things to be done to complete it or compel its due execution; or that the latter mode proposed in the amendments by the Council is a plain and simple one, wherein the conduct and acts of three persons, chosen specially for the service, are necessarily inquirable into, until the monies are got into the Treasury of the State; and this may be known to and viewed by the representatives of the people whenever they meet in General Assembly. The first mode, it is true, hath been several years in use, but the best excuse for its existence is either inattention or want of a more satisfactory simple plan being struck out and offered to view; its defects were always apparent, and a competent remedy not exhibited to supply its place till now. It may be said that the term competent is here used rather prematurely, for that trial and experience alone can justify the term, but as the usefulness and success of the single collection don't admit of a doubt, in

the opinion of the Council, they venture to use the expression ; sure they are, that pursuing the old plan of collection and account they will only increase that chaos of unaccounted for public grants of monies and supplies, that it will become exceedingly difficult, if not impracticable, to reduce it to form, and give their constituents an opportunity of knowing what hath been the disposition and application of all that has been drawn from them by way of tax for several years past : none of which yearly grants, in the knowledge of the Council, have been yet regularly or intelligibly accounted for. The Council request that your honorable House will please to take these their reasons for dissenting from you in opinion as to the Tax Bill sent from your House, and for their adhering to their amendments, into your consideration ; and be assured that the Council consider those amendments so important and necessary, on behalf of the people both Houses represent, that until reasons, operating more powerfully than those before enumerated, (though not all that had been suggested in Council), shall be offered to Council, they must retain their opinion in favour of their amendments.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Waples, a member of Assembly, attending, was admitted and returned the bill for auditing and arranging the accounts of this State, &c., with the first amendments proposed thereto by the House of Assembly generally agreed to by the Council ; the additional amendments proposed to the said bill, and amendments by the Council generally disagreed to by the House of Assembly, together with a further amendment proposed by the House of Assembly to the said additional amendments of the Council.

The same member also delivered a letter from Major William Polk, dated this day, together with a resolution of the House of

Assembly for referring Major Polk's accounts to William Killen and Thomas Rodney, Esquires.

The same member also delivered a resolution for making provision for the subsistence of the Delaware Regiments.

The same member also delivered a resolution of the House of Assembly for the appointment of a committee to wait on Mr. Vandyke to desire his answer as to his acceptance of the office of President.

The Council now took into consideration the bill for auditing and arranging the accounts of this State, with the several amendments proposed thereto by the House of Assembly, and the Council adhered to their 5th amendment, which was disagreed to by the House of Assembly, and disagreed to the further amendments proposed by the House of Assembly to the said 5th amendment of the Council, and adhered to the 1st, 2d and 4th of their additional amendments to the said bill, and therefore the following message, stating the reasons of such adherence, was drawn up, read and agreed to, and ordered to be transcribed :

Gentlemen :

The bill for auditing and arranging the accounts of this State, &c., with the respective amendments proposed by both Houses, as well to the bill as it originally stood as the subsequent amendments, have been taken up and duly considered by the Council, and they find themselves bound by opinion, and duty to their constituents, still to reject the fifth amendment proposed by your honorable House in your first paper, *restricting* the Auditor of Accounts from liquidating and settling any claims against the State for services performed, monies advanced or articles furnished by order of the legislative or executive power for the use of the State, or for any other purpose, *before* the first day of March next ; and also to reject the additional amendment contained in the third paper, *seemingly* intended to enlarge the restriction occasioned by the fifth amendment, by permitting the Auditor's duty to extend to accounts for such articles and things prior to the first of March, *not already exhibited* to the General Assembly, and for which the laws of this State have directed no particular mode of settlement.

When the Council framed this bill, among the many objects of

public utility they had in view, the first was, to relieve the two Houses of the General Assembly from that embarrassment they were then under with the very many accounts, that had been exhibited for years past, and dispersed among their several files of papers.

The disinclination of the respective members of both Houses to accept of a place on the Committee of Accounts, the time that had been spent in the present session, and the little progress made in that business, with the great interruption given to the other general and more peculiar business of the General Assembly, convinced the Council of the necessity of immediately providing and adopting a mode, better calculated for a more exact and speedy settlement of all public accounts whatsoever; and after, for the regular entry and state of the allowances, or balances found, by some person well skilled in the arranging and stating of accounts in mercantile and intelligible form; which entry, subsequent to settlement, hath been always omitted heretofore, and the State left open to second, third or more charges for the same articles, and no other chance of detecting the imposition but the recollection, perhaps, of an individual member, unless the old bundles of accounts of preceding years were minutely examined. The Council therefore, on the first appearance of your fifth amendment, agreed to reject it, as it tended to defeat the first object of their bill, *that* of immediately transferring the liquidation and settlement of all public accounts from the General Assembly to the Auditor, whose daily expense for such service would not be the thirtieth part of the sum that the two Houses were then sitting at, and but small progress made in the business—ten days expense of the present General Assembly being equal to a full years allowance for the service of the Auditor. And upon the same grounds the Council disagreed to the further amendment in the third paper, as it tended to retain all the accounts already exhibited, and almost every one that could or would be exhibited, for matters or things prior to the first of March. This the Council considered as not remedying the grievance, either as to the State expense, or that of the accountants—two only of whom had been in waiting in the present session, and one for five and the other for more than ten days before their accounts could be examined, reported and determined upon. The Council also considered the last part of the said additional amendment as exempting every public debtor or accountant from the Auditor's settlement and bringing them before the General As-

sembly, which ought not to be with respect to any, except Hundred Collectors (who were specially excepted in the original bill, *though* your honorable House, by their eighth amendment, *left them* open to such account with the Auditor for any monies they may receive after the first day of March next) and Trustees of the Loan Office; for, according to the best recollection of the Council, all other accountants under laws of the State are generally to account with the General Assembly or their committees, which it is the fixed purpose of the Council to have transferred to the Auditor, whenever established, or otherwise a principal part of his usefulness will be lost to the public, as also to the accountants;—as to the first, saving that great expense of the two Houses sitting to transact this business, a want of knowledge, and, too generally, attention to it when under consideration—and as to the accountant, his tedious and expensive attendance on such settlement.

Your honorable House will therefore discover, from what is before said for rejecting your addition to your fifth amendment, why the Council thought it necessary—after your first paper of amendments had been laid before them, and most of them agreed to, *for the sake* of immediately establishing an office so useful to the State—to offer their fourth amendment as in the second paper, for the collecting and transmitting of all the public accounts in the possession or care of either House to the office of the Auditor, there to be forthwith liquidated and settled, all which might probably be done before the next meeting of the General Assembly. Then as to the direction for the Auditor to examine and revise former settlements, and report all substantial errors or omissions, the Counsel have been told, and they think from authority, that a like officer lately, in a neighboring State, by such revisal of settlements, had discovered an error of *fifteen hundred pounds* in the account of *an individual*, such a sum standing in the settlement as a charge against the State, when it should have stood as a charge against that individual accountant in favor of the State. Many such instances may have happened in a long train of accounts, often settled under a variety of circumstances productive of mistakes; and as such revision would add but little to the expense of the State, the Council deemed it prudent to direct the measure, not doubting that every guardian of the people's rights and property would wish to be informed of *substantial wrongs* done to that property, and therefore Council conceived it their

duty to point out this as saving from such injury, and after to adhere to that fourth amendment as in the second paper.

Then as to the first and second additional amendments proposed by the Council, as in the second paper, they apprehend that some mode for calling every public debtor, or accountant, to do that which his duty and trust required, that is, to render an account of his transactions in money matters intrusted to his care to the common officer of the State, was absolutely necessary to be prescribed to render that officer an useful one to the State; and as your honorable House, by their eleventh and twelfth amendments, in the second paper, had disagreed to all the clauses in the original bill that were framed and calculated for compelling the public debtor, or trustee, to account and after to pay what he should have been found indebted to the State in a summary way, the Council, by their first and second amendments in the second paper, placed a *delinquent* debtor, or accountant, on the same footing with the witness who was to testify either for or against the delinquent, by enabling the Auditor to use *only* the same kind and form of compulsory process to call such delinquent before him as by the same tenth section of the original bill, approved of by your honorable House, the Auditor was authorized and directed to use for the appearance of the witness; and great was the surprise of the Council to discover the disagreement to this so mild, and, as they conceive, unexceptionable and necessary power of the Auditor—for to say that a delinquent shall be left to his sole will and pleasure whether he will account for his trust, and yet that, if he pleases to come forward and do this, any persons who, by accident or otherwise, have a knowledge of his conduct, or of the transactions to be accounted for, shall be compelled by a form, *too rigorous for the delinquent*, to appear and give evidence relative to the subject matter of such delinquent's account. As many such delinquent accountants are and may be, where no bond and security hath been given or required, what is before said applies to such, and must discover to your honorable House the palpable impropriety of appointing a person to exercise the power of settlement, and yet withholding the power of effecting it. Then, as to such whose bonds of performance may include the right of suits thereon for not accounting, they are left to exercise all the delays and chicanery used and practised in the Common Law Courts before even a judgment to account can be had thereon. By these second last mentioned amendments the power of the Auditor over him is no more than, as is said before,

against his witness, which is to compel an appearance and exhibit his account ; for as to the recovery of any sum declared by the Auditor to be due thereon, the suit, on his bond if such given, if not, then as in common cases of debts to private persons, is to be brought and pursued in the Courts of Law. Upon the whole, the Council hope that when your honorable House shall be possessed of their reasons for determining as they have on the first, second and third papers of amendments, they will concur with the Council, and not let so useful, necessary and important a bill fall through, and be lost to the State, and thereby remove every suspicion that might be suggested, that the Representatives of the People, or any of them, were disposed to countenance delinquency in the public servants and accountants.

On motion, by order,

The petition of William Simpson, and the resolution of the House of Assembly thereon, were read, and an amendment to the said resolution was proposed, agreed to, and ordered to be transcribed.

On motion, by order,

The resolution for the appointment of a committee to wait on Mr. Vandyke, &c., was read the first time and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“TUESDAY, P. M., Feb. 4, 1783.

“On motion,

“*Resolved*, That a committee of three be appointed on the part of this House, to join with a committee to be appointed by the Council, for the purpose of waiting upon N. Vandyke, Esquire, and desiring his answer with respect to his acceptance of the office of President and Commander-in-Chief of this State, to which he was appointed by the General Assembly on Saturday last.

“The members chosen : Mr. Duff, Mr. Molleston, and Mr. Smith.

“JAS. BOOTH, *Cl'k of Assembly*.

“Sent for concurrence.”

And thereupon,

Resolved, That Messrs. Collins and William Polk be a committee on the part of the Council to join with the committee of the House of Assembly for the purpose above expressed.

Adjourned till to-morrow at 10 o'clock.

WEDNESDAY, A. M., Feb. 5, 1783.

The Council met. Present all the members, except Mr. Bassett and Mr. Joshua Polk.

Ordered, That the resolutions of Council, founded on the resolutions of Congress of the 30th of October and 2d November, 1781, as amended by the House of Assembly and agreed to by the Council, be sent, together with the original resolutions and paper of amendments, to the House of Assembly for their concurrence; and the petition of William Simpson, and the resolution of the House of Assembly thereon, with the amendments proposed thereto by the Council; and also the resolution for the appointment of a committee to wait on Mr. Vandyke, &c., with the concurrence and appointment of the Council thereto.

Mr. Polk reported the delivery according to order.

On motion, by order,

The resolution of the House of Assembly for making provision for the subsistence of the Delaware Regiment, now cantoned in New Castle County, was read the first time.

By special order, the same was read the second time and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“TUESDAY, P. M., Feb. 4, 1783.

“WHEREAS no provision hath been made for the subsistence
“of the Delaware Regiment, now cantoned in New Castle Coun-
“ty; therefore

“*Resolved*, That Samuel Patterson, Esquire, Treasurer of this State, be and he hereby is empowered to contract, upon the most moderate terms that can be obtained, for supplying the said regiment with rations and necessary accommodations during their continuance in this State, or until otherwise provided for; and that the said Treasurer apply to the Superintendent of Finance for the repayment of the money thus expended for the subsistence and accommodation of the said troops; and in case the same cannot be obtained, he is hereby empowered to retain the amount of such expenditure out of the public tax of the present year, when the same may come to his hands, the said State Treasurer’s accounts thereof being first adjusted by the General Assembly.

“JAS. BOOTH, *Cl’k of Assembly*.

“Sent for concurrence.”

On motion, by order,

The bill for fitting out or selling the State schooner, was read the second time.

Adjourned till 2 o’clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Duff, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled “An act for levying and collecting divers sums of money remaining due for taxes in Continental Bills of Credit therein mentioned, and for other purposes.”

The same member also delivered a letter, dated January 3d, 1783, from the Assistant Secretary at War, with a set of resolutions for completing the Delaware Regiment, &c., founded on the above mentioned letter.

Mr. James, a member of Assembly, was admitted and returned to the the Chair the resolution of Council, founded on the resolu-

tions of Congress of the 30th October and 2d November, 1781, concurred in by the House of Assembly, together with the papers attending the same.

The same member also delivered the petition of Wm. Simpson, the resolution of the House of Assembly founded thereon, and the amendment proposed thereto by the Council acceded to by the House of Assembly, with a resolution of the House of Assembly for the payment of £30 to the said Wm. Simpson, and an order, signed by the Speaker of the House of Assembly, for the said sum of £30 in favor of the said William Simpson, which was accordingly signed by the Speaker of the Council.

The same member also delivered the accounts of Philip Barratt and Thomas Duff, Esqs., Commissioners appointed to collect the certificates given by the Quartermaster's and Commissary's Departments.

The committee to whom the petitions of Isaac Short, James Abbott, George Abbott, and Charles Williams were referred, now delivered their report at the table, which was read the first time; and the petition of Isaac Short was referred to Capt. James Moore, superintending the recruiting of the Delaware Regiment, to do therein what the good of the service and the particular circumstances of Short's company may, in his opinion, require; and an amendment was proposed by the Council to the reference made to Capt. James Moore, indorsed on the petitions of the said James Abbott, George Abbott, and Charles Williams, agreed to, and ordered to be transcribed.

On motion, by order,

The resolution for the payment of £30 to W. Simpson was read and concurred in.

On motion, by order,

The resolutions founded on the letter from the Secretary at War, for completing the Delaware Regiment, were read the first time.

By special order, the said resolutions were read the second time, and some amendments were proposed, agreed to, and ordered to be transcribed.

Ordered, That Mr. McDonough deliver to the House of Assembly the engrossed bill for preventing and punishing the counterfeiting of bank notes, &c., with the original and amendments, in order to be compared and signed by the Speaker of Assembly; the letter from the Assistant Secretary at War, with the resolutions for completing the Delaware Regiment, founded thereon, with a paper of amendments thereto; the resolution for providing subsistence for the Delaware Regiment, concurred in by Council; the petitions of Isaac Short, James Abbott and George Abbott, and Charles Williams, with an amendment proposed by Council to the reference indorsed on James Abbott's petition, and the message from Council to the Assembly.

Adjourned to 10 o'clock to-morrow.

THURSDAY, A. M., Feb. 6, 1783.

The Council met. Present the same members as on yesterday.

Mr. McDonough now reported the delivery of the papers committed to him, according to the order of yesterday.

Mr. Molleston, a member of Assembly, was admitted and returned the engrossed bill for preventing and punishing the counterfeiting of bank notes, &c., (with the original) signed by the Speaker of the House of Assembly, with a resolution to affix the Great Seal to the same.

The same member delivered the resolutions for completing the Delaware Regiment, with the amendments proposed thereto by Council acceded to by the House of Assembly, accompanied with a copy of the said resolutions, as amended, for the concurrence of the Council.

The same member delivered the petition of Isaac Short, with the reference to Capt. James Moore indorsed thereon, concurred in by the House of Assembly; and the petitions of Jas. Abbott and George Abbott, and Charles Williams, with the amendments of Council acceded to by the House of Assembly.

Ordered, That the Speaker of the Council sign the bill for preventing and punishing counterfeiting of bank bills ; which was accordingly done.

On motion, by order,

The resolution for affixing the Great Seal to the same was read, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY, Feb. 6, 1783.

“ On motion,

“ *Resolved*, That the President or Commander-in-Chief affix
“ the Great Seal of this State to the following law, to wit :

“ ‘An act for preventing and punishing the counterfeiting of the common seal, bank bills and bank notes of the President, Directors and Company of the Bank of North America, and for other purposes therein mentioned.’

“ JAS. BOOTH, *Cl'k of Assembly*.

“ Sent for concurrence.”

On motion, by order,

The resolutions for completing the Delaware Regiment, as amended, were read and concurred in, and are as follows :

“ IN THE HOUSE OF ASSEMBLY,

“ TUESDAY, P. M., Feb. 4, 1783.

“ The committee to whom was referred the letter, of the 3d of
“ January last, from the Assistant Secretary of War, brought in
“ their report, which being taken into consideration, the House
“ came to the following resolutions thereon, to wit :

“ WHEREAS it appears, by a letter from the War Office, dated
“ the 3d day of January last, that the late arrangement of the
“ Army of the United States, which was to take place on the first
“ day of the said month, in pursuance of the resolutions of Congress of the 7th of August last, is suspended so far as the same
“ relates to this State until the first day of March next, upon condition, that a positive assurance be given that an augmentation
“ will be made to the said Regiment on or before that day ; therefore

“*Resolved*, That the President or Commander-in-Chief be and he is hereby empowered and requested to write to the Secretary at War, informing, that this State will engage to complete the Delaware Regiment to four companies by the twenty-fifth day of March next.

“That Capt. James Moore be directed forthwith to proceed to the enlisting of fifty-four men for the purpose of completing the Delaware Regiment to four companies; in which business he shall govern himself in all things agreeable to the resolutions of the General Assembly of the 13th of November, 1781, and 5th of February, 1782, except so far as the same relates to the bounty allowed to each recruit, which shall be the sum of *six pounds*, and no more; and the said James Moore shall be entitled to the same rewards and emoluments for this service as are specified in the said resolutions.

“That the President or Commander-in-Chief be and he is hereby authorized to draw his orders upon the Treasurer of this State, from time to time, in favor of the said James Moore, for such sums of money as he shall judge necessary for the said recruiting service, not exceeding in the whole the sum of *five hundred and fifty pounds*.

“AND WHEREAS it hath been represented, that a number of deserters from the Delaware Regiment have signified their desire to pay such sums of money for their discharge therefrom as will, in the opinion of the General Assembly, be sufficient to procure substitutes to serve in the said Regiment; therefore

“*Resolved*, That Capt. James Moore be and he is hereby empowered and directed to give a discharge to any deserter from the aforesaid Regiment who shall pay to the said James Moore, on or before the tenth day of March next, such sum of money as he shall deem sufficient to procure a substitute for that purpose; which discharge shall be as valid, to all intents and purposes whatsoever, as if the same had been given by the General Assembly.

“JAS. BOOTH, *Cl'k of Assembly*.

“Sent for concurrence.”

Mr. Barratt, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for the

appointment of a committee of conference, on the part of the House of Assembly, to confer with a committee of Council on the subject matter of the amendments proposed to the bill for raising £26,250 for the service of the present year.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Carty, a member of Assembly, attending, was admitted and delivered to the Chair a resolution of the House of Assembly to adjourn, to-morrow in the forenoon, the present sessions to some future day.

On motion, by order,

The resolution for the appointment of a committee of conference on the subject matter of the amendments proposed to the bill for raising £26,250, was read, and thereupon the following verbal message was proposed at the table and agreed to:

Gentlemen :

The Council are at loss to know upon what precedent, usage or practice the House of Assembly have founded their resolution aforesaid, as the Council apprehend that when committees of conference are appointed and had between two branches of a legislature, they are to communicate the reasons which each branch may have for a difference of opinion upon any public act or measure, after to be represented by each set of conferees to their respective Houses. In the present case your honorable House are in possession of the reasons which induced the Council to make, and after to adhere to, their amendments to the Tax Bill ; therefore Council apprehend, that a conference of members of both Houses, either in the manner adopted by your House in their resolution now before Council or in the customary mode, will not answer any good public purpose, at least before the reasons which induced the House of Assembly to disagree to, or reject the amendments, are laid before the Council.

Ordered, That Mr. McDonough wait on the House of Assembly and deliver the above message.

On motion, the Council now concurred in the references made to Capt. James Moore, indorsed on the petitions of Isaac Short, James Abbott, George Abbott and Charles Williams.

Ordered, That Mr. McDonough return the said petitions to the House of Assembly, and deliver the bill for preventing and punishing the counterfeiting, &c., signed by the Speaker.

Adjourned till to-morrow at 9 o'clock.

FRIDAY, A. M., Feb. 7th, 1783.

The Council met. Present the same members as on yesterday.

Mr. McDonough reported the delivery of the papers according to the order of yesterday.

On motion, by order,

The bill for discharging the half pay of officers of the Delaware Regiment dying in the service to their widows, &c., was read the second time and will pass.

Ordered, That the same be sent to the House of Assembly to be signed by the Speaker thereof.

On motion, by order,

The engrossed bill for levying and collecting divers sums of money remaining due for taxes in Continental Bills of Credit, herein mentioned, and for other purposes, was read the first time.

On motion, by special order, the same was read a second time, passed the Council, and was signed by the Speaker.

Ordered, That Mr. Grantham deliver the foregoing bills to the House of Assembly.

Mr. Grantham reported the delivery according to order.

Mr. Duff, a member of the House of Assembly, was admitted and delivered to the Chair resolutions for the payment of the Delegates to Congress.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and

Ordered, That Mr. Collins deliver to the House of Assembly the bill for auditing and arranging the accounts of this State, &c., with its several amendments, and the transcribed message, stating the reasons of Council for their adherence to several of their amendments to the same bill.

Mr. Collins reported the delivery according to order.

On motion, leave was given to bring in a bill purporting to be "A supplementary act to the act entitled 'An act for the protection of the trade of this State on the River and Bay of Delaware;'" whereupon a bill for that purpose was laid on the table, and, by order, read the first time.

By special order, the same was read a second time and passed the Council.

Ordered, That the same be transcribed and delivered to the House of Assembly, for their consideration, by Mr. W. Polk; together with the resolutions for recruiting the Delaware Regiment to four companies.

Mr. Bryan, a member of Assembly, was admitted and delivered to the Chair the bill for the discharging of the half pay to the widows or children of the officers of the Delaware Regiment, &c., and also the bill for the levying and collecting divers sums of money remaining due for taxes in Continental Bills, &c., respectively signed by the Speaker of the House of Assembly, together with a resolution of the House of Assembly to affix the Great Seal to the said bills.

Ordered, That the Speaker sign the bill for the discharging of the half pay to the widows or children of the officers of the Delaware Regiment, &c.; which was accordingly done.

On motion, by order,

The resolution was read for affixing the Great Seal to the above mentioned laws, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ FRIDAY, P. M., Feb. 7, 1783.

“ On motion,

“ *Resolved*, That the President and Commander-in-Chief affix the Great Seal of this State to the following laws, to wit :

“ ‘An act for the discharging of the half pay to the widows or children of the officers of the Delaware Regiment who have died or may die in the service of the Continent;’ and

“ ‘An act for the levying and collecting divers sums of money remaining due for taxes in Continental Bills of Credit, herein mentioned, and for other purposes.’ ”

“ JAS. BOOTH, *Cl'k of Assembly*.

“ Sent for concurrence.”

Ordered, That the said bills, respectively signed by the Speaker, and the resolution for affixing the Great Seal to the same, concurred in by the Council, be returned to the House of Assembly by Mr. W. Polk ; who is also charged with the delivery of the engrossed bill entitled “A supplementary act to the act entitled ‘An act for the protection of the trade of this State on the Bay and River of Delaware.’ ”

Adjourned till 10 o'clock to-morrow.

SATURDAY, A. M., Feb. 8, 1783.

The Council met. Present the same members as on yesterday.

Mr. Polk now reported the delivery of the several papers committed to him, according to the order of yesterday.

On motion, by order,

The accounts of Thomas Duff and Philip Barratt, Esquires, for their services as commissioners for collecting certificates, &c., and the resolution for the payment of the same, were severally read the first time.

By special order, the said resolution was read a second time, concurred in, and is as follows, to wit :

“IN THE HOUSE OF ASSEMBLY,

“WEDNESDAY, A. M., Feb. 5, 1783.

“Two accounts against the State from Thomas Duff and Philip Barratt, Esquires, for their services as commissioners in the execution of a resolution of the General Assembly, of the 18th June, 1781, for ascertaining the amount of certificates issued within this State from the Quartermaster's and Commissary's Departments, were read and allowed, to wit : To Thomas Duff, Esq., £ 11 : 7 : 6, and to Philip Barratt, Esq., seven pounds.

“*Resolved*, That the Speakers of both Houses draw orders on the State Treasurer for the payment of the said two sums.

“JAS. BOOTH, *Cl'k of Assembly*.

“Sent for concurrence.”

Whereupon the Speaker signed an order for that purpose in favor of the said T. Duff and P. Barratt, Esquires, respectively.

On motion, by order,

An account of Robert Bryan, Treasurer of New Castle County, for £255 : 19 : 4, and its vouchers, were read, and the said account was allowed.

On motion, by order,

The resolution for the payment of the same was read and concurred in, and is as follows, viz :

“IN THE HOUSE OF ASSEMBLY,

“THURSDAY, A. M., Jan. 30, 1783.

“An account of Robert Bryan, Esq., Treasurer of New Castle County, was read, amounting to two hundred and fifty-five pounds nineteen shillings and four pence, being for money advanced to the officers and soldiers of the Delaware Regiment, and for cash paid for rations for them from the 19th of January, instant, to the 28th following, inclusive; which said account was allowed; and thereupon

“*Resolved*, That the Speakers of both Houses draw an order on the State Treasurer for the payment of the said sum to the aforesaid Robert Bryan.

“JAS. BOOTH, *Cl'k of Assembly*.

“Sent for concurrence.”

Whereupon the Speaker signed an order for that purpose.

Ordered, That Mr. Grantham return the foregoing accounts, vouchers and orders, and the resolutions for the payment of the same, with the concurrence of the Council thereto, to the House of Assembly.

Mr. Grantham, being returned, reported the delivery according to order.

The committee appointed by Council to join the House of Assembly for the purpose of waiting on Nicholas Vandyke, Esq., to know if he would accept the office of President and Commander-in-Chief of this State, report that the joint committee aforesaid waited on Mr. Vandyke and requested that he would please to signify by the committee his acceptance of the office of President and Commander-in-Chief of this State; whereupon he was pleased to declare his acceptance of the said office.

The Council now went into the nomination of persons to be balloted for as Privy Councillors, and Gunning Bedford, Esq., Col. Charles Pope, John Lea, Esq., and Alexander Porter, jr.,

Esq., were put into nomination, to be balloted for in the afternoon.

Mr. Carty, a member of Assembly, returned the act entitled "A supplementary act to the act entitled 'An act for the protection of the trade of this State on the River and Bay of Delaware,' " signed by the Speaker of the House of Assembly, together with a resolution to affix the Great Seal thereto.

Ordered, That the Speaker sign the said bill ; which was accordingly done.

On motion, by order, the foregoing resolution was read and concurred in, and is as follows :

" IN THE HOUSE OF ASSEMBLY, Feb. 8, 1783.

" On motion, .

" *Resolved*, That the President and Commander-in-Chief affix the Great Seal of the State to the following law, to wit :

" 'A supplementary act to the act entitled 'An act for the protection of the trade of this State on the Bay and River of Delaware.' "

" JAS. BOOTH, *Cl'k of Assembly*.

" Sent for concurrence."

Ordered, That Mr. Collins deliver the foregoing bill and resolution, signed and concurred in by the Council, to the House of Assembly.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and proceeded to the balloting for Privy Councillors out of the persons before put into nomination, and the ballots being examined, it appeared that Gunning Bedford, Esq., and John Lea, Esq., were unanimously elected members of the Privy Council.

The Speaker of the Council now waited on the President and administered as well the oath of allegiance and declaration of faith, prescribed by the twenty-second article of the Constitution of this State, as the oath of office, to his Excellency, Nicholas Vandyke, Esq., President of the Delaware State.

Then the Council took into consideration the per diem wages and incidental charges of the Council, and the following accounts were allowed, viz :*

Then the Council adjourned till Monday, the 26th day of May next, to meet at the Town of Dover.

*The accounts are not recorded.

MINUTES OF COUNCIL.

MAY, 1783.

MEMBERS' NAMES.

NEW CASTLE COUNTY :

THOMAS McDONOUGH, ISAAC GRANTHAM, GEORGE READ.

KENT COUNTY :

THE HON. JOHN COOK, JOHN BANING, RICHARD BASSETT.

SUSSEX COUNTY :

WILLIAM POLK, JOSHUA POLK, JOHN COLLINS.

VOTES AND PROCEEDINGS

OF THE COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MAY, 1783.

At a meeting of the Council at the Town of Dover, in Kent County, by adjournment, on Monday, the 26th day of May, A. D. 1783, a quorum of the members not attending, the Council adjourned from day to day until Tuesday, the 3d day of June, 1783.

TUESDAY, P. M., June 3d, 1783.

The Council met. Present the following members, viz :

For New Castle County—Isaac Grantham.

For Kent County—The Honorable John Cook, John Baning, Richard Bassett.

For Sussex County—Joshua Polk.

Ordered, That Mr. Grantham and Mr. Joshua Polk be a committee to wait on his Excellency, the President, and to inform him that the Council, having formed an House, are ready to receive any business which he may have to lay before them.

Adjourned till to-morrow.

WEDNESDAY, June 4th, 1783.

The Council met. Present the same members as on yesterday, and also Mr. Read.

The committee appointed to wait on his Excellency, the President, now reported that they had waited on his Excellency with the message committed to them, agreeable to the order of yesterday, when he was pleased, in answer, to say, that he had communicated his business, by way of message, to the House of Assembly, which in its due course would come before the Council.

Adjourned till 10 o'clock to-morrow.

THURSDAY, A. M., June 5th, 1783.

The Council met. Present the same members as on yesterday.

Mr. Molleston, a member of the House of Assembly, attending, was admitted and delivered to the Chair a message from the President to the General Assembly of the 31st May, 1783, together with its inclosures.

On motion, by order, the foregoing message, and its inclosures, were severally read, and the said message follows in these words, viz :

“Gentlemen of the General Assembly :

“I beg leave to congratulate you on the happy and important event of peace, liberty and independence, secured to these States by the preliminary treaties between the belligerent powers. The accomplishment of these objects, under the smiles of Divine Providence, and the aid of our illustrious ally, has placed America in an equal station among the Nations of the Earth.

“Her attention should now be undiverted to support a char-

“acter worthy of the virtuous struggles by which she has, in her
“late ardent conflict, acquired her elevation ; and I hope, a regular
“administration of justice, and a due veneration of national
“faith, will render her as respectable in peace as she has been
“illustrious in war.

“During your late recess, I have received the following public
“letters—from the President of Congress, of the 8th and 24th
“of February last, and the 6th and 9th of May instant—from the
“Secretary for Foreign Affairs, of the 3d of January and the
“2d of April—from the Superintendent of Finance, of the 22d
“of February, the 2d, 20th and 25th of March, the 12th and
“18th of April, and the 9th, 12th and 20th of May.

“These letters, with their enclosures, I have directed the
“Secretary to lay before you. To such of these papers as require
“your immediate attention, I am persuaded it is needless
“for me to urge it, being well convinced of your disposition to
“give all necessary dispatch to the public business.

“NICHOLAS VANDYKE.

“Dover, 31 May, 1783.”

Adjourned till to-morrow.

FRIDAY, June 6th, 1783.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow.

SATURDAY, June 7th, 1783.

The Council met. Present the same members as on yesterday.

Mr. James, a member of the House of Assembly, was admitted and delivered to the Chair a bill for altering part of the 8th Article of the Confederation.

The same member also delivered to the Chair a supplementary bill to the act for the further security of the Government.

The same member also delivered to the Chair a bill to repeal part of an act entitled "An act to prevent the sales of lands, goods and chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes."

On motion, by order,

The bill for altering part of the 8th Article of the Confederation, was read the first time.

On motion, by order,

The supplementary bill to the act for the further security of the Government, was read the first time.

On motion, by order,

The bill for repealing part of an act entitled "An act to prevent the sales of lands, goods and chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes," was read the first time.

On motion,

The Council took into consideration the subject matter of the letter from the Superintendent of Finance to the President of this State, dated the 20th of May last ; and it was thereupon ordered that a committee be appointed to prepare and bring in a bill, by way of a supplement to the act entitled "An act for aiding and more effectually carrying into execution certain acts of Congress of the twentieth and twenty-seventh days of February last past," in order to further enable the commissioners appointed under the said acts of Congress to perform their respective duties, and to

make provision for the speedy and effectual recovery from individuals of debts due and effects belonging to the United States.

Further ordered, That Mr. Read, Mr. Bassett, and Mr. Grant-ham be a committee for the purpose aforesaid.

On motion of Mr. Bassett, for leave of absence for a few days, on account of his necessary attendance on a court in Cecil County, in Maryland, the same application, on account of the critical state of the public business now before the Council, and a probability of a deficiency of members, was rejected.

Whereupon a notification from the Speaker of the Council, directed to the justices of the said court, stating the reasons of Mr. Bassett's non-attendance on the said court, was requested and granted, and signed accordingly by the Speaker.

Adjourned till Monday next.

MONDAY, June 9th, 1783.

The Council met. Present the same members as on Saturday last.

The committee appointed to prepare and bring in a bill, by way of supplement to the act entitled "An act for aiding and more effectually carrying into execution certain acts of Congress of the 20th and 27th days of February last past," now reported that they had essayed a draught of such a supplementary bill, which was laid on the table for the consideration of the Council.

Mr. William Polk attended in the Council, and, at his seat, made his excuse for his non-attendance at an earlier period in the present session; which was admitted.

On motion, by order,

The bill entitled "A supplementary act to the act entitled 'An act for aiding and more effectually carrying into execution certain acts of Congress of the 20th and 27th days of February last past,'" was read the first time.

By special order, the same was read the second time, and the third reading thereof ordered to-morrow morning.

On motion, by order,

The bill for altering part of the 8th Article of the Confederation was read the second time, and the same was taken into consideration, and after some time spent therein the further consideration is postponed till to-morrow.

Adjourned till to-morrow at 10 o'clock.

TUESDAY, June 10th, 1783.

The Council met. Present the same members as on yesterday.

On motion, by order,

The supplementary bill to the act entitled "An act for aiding and more effectually carrying into execution certain acts of Congress of the twentieth and twenty-seventh days of February last past," passed the 22d day of June, 1782, was read the third time, by paragraphs, and will pass.

Ordered, That Mr. Joshua Polk deliver the said bill to the House of Assembly, for their consideration and concurrence, together with the letter from the Superintendent of Finance relative to the subject matter of the same bill; and that he return to that House the President's Message of the 31st ultimo, with sundry of the letters and papers accompanying the same.

Mr. Polk, being returned, reported the delivery of the several papers committed to him, according to order.

The Council now resumed the consideration of the bill for altering part of the 8th Article of the Confederation, and having proceeded in the consideration of divers amendments thereto, the same was further postponed until to-morrow.

Adjourned till to-morrow.

WEDNESDAY, June 11th, 1783.

The Council met. Present the same members as on yesterday.

Mr. Carty, a member of the House of Assembly, was admitted and delivered to the Chair a bill to invest the Congress of the United States with a power to levy duties, &c.

On motion, by order, the further consideration of the bill for altering part of the 8th Article of the Confederation, was now proceeded in, and the several amendments proposed to the same were agreed to, and ordered to be transcribed.

Ordered, That Mr. William Polk return the said bill, with the papers of amendments proposed thereto by the Council, to the House of Assembly.

Mr. Polk reported the delivery according to order.

On motion, by order,

The bill to invest the Congress of the United States with a power to levy duties, &c., was read the first time.

On motion, by order,

The bill to repeal part of an act entitled "An act to prevent the sales of lands, goods and chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes," was read the second time, and sundry amendments to the same bill were proposed, agreed to, and ordered to be transcribed.

Mr. James, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill for altering part of the 8th Article of the Confederation, together with the paper of amendments proposed thereto by the Council acceded to by the House of Assembly, except as to that part of the first amendment proposed by the Council, with respect to the preamble of the bill, which was disagreed to by the House of Assembly.

On motion, by order,

The Council took into consideration that part of the amendment proposed by them to the bill for altering part of the 8th

Article of the Confederation, which was disagreed to by the House of Assembly, and receded therefrom, and agreed that the said bill, with the amendments proposed thereto by them and acceded to by the House of Assembly, should pass.

Ordered, That Mr. William Polk return the said bill and its amendments to the House of Assembly, and inform them that the Council have receded from that part of their amendment to the same bill which was disagreed to by the House of Assembly; and that he also return to that House the bill to prevent the sales of lands, goods and chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes, together with the paper of amendments proposed thereto by the Council, for their consideration.

Adjourned to 10 o'clock to-morrow.

THURSDAY, June 12th, 1783.

The Council met. Present the same members as on yesterday.

Mr. Polk now reported the delivery of the several papers committed to him, agreeable to the order of yesterday.

On motion, by order,

The bill to invest the Congress of the United States with a power to levy duties upon all goods, wares, and merchandise imported into this State, &c., was read the second time, and the further consideration thereof is postponed till to-morrow.

Adjourned till to-morrow.

FRIDAY, June 13th, 1783.

The Council met. Present the same members as on yesterday.

Doctor Clayton, a member of the House of Assembly, was admitted and delivered to the Chair the accounts of Peter White, late Receiver of Supplies for the County of Sussex, together with the report of the Joint Committee of Accounts and the proceedings of the House of Assembly on the said accounts.

On motion, by order,

The bill to invest the Congress of the United States with a power to levy duties upon all goods, wares, and merchandise imported into this State, &c., was read the third time, by paragraphs, and on the question being put, whether the words [the lands, messuages and tenements], in the 5th line of the 4th page of the bill, should be left out, and the words [all the taxable property, real and personal], should be inserted in their stead, the House was divided, and the Speaker gave his casting vote in favor of the amendment, and the amendment being so carried, the yeas and nays were desired by Mr. William Polk. They are as follows, to wit :

For the amendment—Mr. Read, Mr. Bassett, Mr. Grantham.

Against it—Mr. William Polk, Mr. Joshua Polk, Mr. Baning.

Then the Council proceeded in the further consideration of the said bill, and divers other amendments thereto were proposed, agreed to, and ordered to be transcribed, and sent, together with the bill, to the House of Assembly, for their consideration and concurrence, by Mr. William Polk.

On the application of Mr. Joshua Polk for leave of absence till 12 o'clock on Monday next, the same was granted him.

Adjourned till 9 o'clock to-morrow.

SATURDAY, June 14th, 1783.

The Council met. Present the same members as on yesterday, except Mr. Joshua Polk.

Mr. William Polk now reported the delivery of the papers committed to him, agreeable to the order of yesterday.

Mr. Duff, a member of the House of Assembly, was admitted and delivered to the Chair a message, of the present instant, from his Excellency, the President, with its inclosures.

On motion, by order, the foregoing message and its inclosures were severally read, and the said message is as follows, viz :

“Gentlemen :

“The Secretary will lay before you a letter I have just received from our Delegates in Congress, and a report of a committee of that honorable body, on the subject of the back lands.

“The letter explains the views of the Delegates in transmitting those proceedings, and points out the necessity that your instructions on that important subject be forwarded as speedily as possible.

“Gentlemen—The evidences of titles to land in this State, deposited in the Land Office in Philadelphia, not officially under the care of any person, and the necessity of those papers being brought and committed to the keeping of a proper, accountable officer within the State, from which place only the individual interested will be able to obtain legal copies, have induced me to mention this subject, and to recommend that the same may be taken and provided for by the General Assembly as soon as possible.

“NICH. VANDYKE.

“Dover, 14 June, 1783.”

On motion, by order,

The supplementary bill to the act for the further security of the Government, was read the second time, and the subject matter thereof being taken into consideration, the question was put,

“Whether the said bill shall be rejected or not?” and it was carried in the affirmative.

Whereupon the yeas and nays were required by Mr. William Polk. They are as follows, viz :

For the affirmative—Mr. Read, Mr. Bassett, Mr. Grantham.

For the negative—Mr. William Polk.

Mr. Clayton, a member of the House of Assembly, was admitted and delivered to the Chair the following verbal message from the House of Assembly to the Council, viz :

“*Gentlemen :*

“The House of Assembly having considered the amendments offered by your honorable body to the bill entitled “An act to invest the Congress of the United States with the power to levy duties upon all goods, wares, and merchandise imported into this State from beyond the seas, for a limited time, and for establishing a fund for the payment of interest arising on the public debt,” and apprehending that this business would be accelerated by a communication of opinion thereon, propose that a committee of conference be appointed for this purpose, and therefore have, on the part of this House, appointed the following conferees : Mr. Peery, Mr. Clayton, and Mr. Barratt, who will meet at one o’clock this afternoon, if your honorable House concur herein.”

The Council acceded to the above mentioned proposition, and have appointed, on their part, Mr. Read, Mr. Bassett, and Mr. Grantham, to join with the Committee of the House of Assembly in the business above mentioned, proposing the hour of 4 o’clock to be the hour of meeting.

Ordered, That Mr. Grantham return the same to the House of Assembly, with the concurrence and appointment of the Council thereto.

Mr. Grantham reported the delivery of the same according to order.

Mr. Kean, a member of the House of Assembly, was admitted and delivered to the Chair Capt. James Moore’s accounts and

vouchers for superintending the recruiting service in this State, together with the report of the committee of the House of Assembly thereon.

Adjourned to Monday next.

MONDAY, June 16th, 1783.

The Council met. Present the same members as on Saturday, and also Mr. Joshua Polk.

Mr. Molleston, a member of the House of Assembly, was admitted and delivered to the Chair a bill for repealing an act ascertaining the daily allowance to members of the General Assembly, &c.

Adjourned till to-morrow.

TUESDAY, June 17, 1783.

The Council met. Present the same members as on yesterday.

Mr. Waples, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act for raising twenty-two thousand five hundred pounds for the service of the year 1783."

Ordered, That the Speaker sign a joint draught on the State Treasurer for the sum of £12,000, payable to the order of Congress, or the Superintendent of Finance, in compliance with the requisitions of Congress of the 30th of October and 2d of November, 1781; which was accordingly done.

On motion, by order,

The bill for repealing an act ascertaining the daily allowance to members of the General Assembly, was read the first time.

On motion, by order,

The bill for raising twenty-two thousand five hundred pounds for the service of the year 1783, was read the first time.

On motion,

Resolved, That the President's Message of the 14th instant, and the letter addressed to the President from the Delegates of this State in Congress, and the inclosed report of a committee of Congress on the act of the Legislature of Virginia of the 2d of January, 1781, respecting the cession of that State to the United States of all the lands northwest of the River Ohio, (which accompanied the same message) be referred to a committee, to report thereon.

The members chosen, are Mr. Read, Mr. Bassett, and Mr. William Polk.

On motion, by order,

The bill for repealing an act ascertaining the daily allowance to members of the General Assembly, was read the second time, and sundry amendments thereto were proposed, agreed to, and ordered to be transcribed.

On motion, by order,

The resolution of the House of Assembly for the payment of the Delegates from this State to the Congress of the United States, which was delivered to the Council at their last sitting, was now read the first time.

By special order, the same was read the second time, and sundry amendments were proposed, agreed to, and ordered to be transcribed.

Ordered, That Mr. Grantham return to the House of Assembly the bill for repealing an act ascertaining the daily allowance to members of the General Assembly, with a paper of amendments proposed by the Council thereto; and also the resolution for the payment of the Delegates from this State to Congress, with a paper of amendments proposed thereto by the Council, for their consideration and concurrence; and that he also return to that House the supplementary bill to the act for the further security of the Government, with the rejection of the Council thereto.

Adjourned till to-morrow.

WEDNESDAY, June 18th, 1783.

The Council met. Present the same members as on yesterday.

Mr. Grantham now reported the delivery of the papers committed to him, according to the order of yesterday.

On motion, by order,

Capt. Moore's general account, and the report of the committee of the House of Assembly thereon, were read, and some amendments were proposed and agreed to.

Mr. Molleston, a member of Assembly, was admitted and delivered to the Chair a supplementary bill to the act for ascertaining the depreciation of the pay accounts of divers persons in the several departments of the army, &c.

The same member also delivered a bill for preventing vexatious suits, &c.

On motion, by order,

The supplementary bill to the act for ascertaining the depreciation of the pay accounts of divers persons in the several departments of the army, &c., was read the first time.

On motion, by order,

The bill for preventing vexatious suits, &c., was read the first time.

Mr. Clayton, a member of Assembly, was admitted and delivered to the Chair the bill for auditing and arranging the accounts of this State, and for the more speedy and effectual settlement of the same, together with the several papers of amendments proposed thereto by both Houses at their last sitting, and some additional amendments proposed by the House of Assembly, in their present meeting, to the said bill.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a message from the President, of the 13th instant.

The same member also delivered to the Chair a resolution of the House of Assembly for erecting a tombstone over the grave of Colonel Haslet.

The same member also delivered a resolution of the House of Assembly respecting an adjournment.

Ordered, That Mr. Baning return to the House of Assembly Capt Moore's general account, with a paper of amendments proposed thereto by the Council, and the report of the committee of the House of Assembly thereon.

Mr. Baning reported the delivery according to order.

Adjourned to to-morrow.

THURSDAY, June 19th, 1783.

The Council met. Present the same members as on yesterday.

On motion, by order,

The bill for raising £22,500, was read the second time.

Dr. Clayton, a member of the House of Assembly, was admitted and delivered Capt. James Moore's general account, with the amendments proposed thereto by the Council agreed to by the House of Assembly.

The Council, taking up the accounts of Capt. James Moore respecting the recruiting service on the report of the committee to whom they were referred, do concur with the House of Assembly in the allowance of the same as they stand stated in the general account thereof; and it is thereupon

Ordered, That Capt. Moore deliver the particular vouchers, supporting the charges stated in his general account aforesaid, to the Clerk of the House of Assembly, in order to support a charge against the United States.

Ordered also, That Capt. James Moore transfer, by way of

assignment, for the use of the State, to Major William Peery, the evidences and securities for £139 : 5 : 3, stated, in his account, as outstanding and owing to the Delaware State from William Polk and John Clowes, Esquires, Charles Williams and Foster Donnaven, exclusive of the sum of £50 : 9 : 4³/₄, appearing at the foot of the general account, now exhibited and passed by the General Assembly; which said sum of £139 : 5 : 3 the said William Peery is hereby directed to receive, collect and pay over to the State Treasurer.

And it is further

Ordered, That Captain Moore be served with a copy of these orders.

Ordered, That Mr. William Polk return to the House of Assembly the accounts and vouchers of Capt. Moore, and that he deliver to that House the resolutions of the Council respecting the same, for their consideration and concurrence.

Mr. Polk reported the delivery thereof according to order.

Mr. Charles Polk, a member of the House of Assembly, was admitted and returned to the Chair the resolutions of the Council respecting Capt. Moore's accounts, with the concurrence of the House of Assembly thereto.

The committee to whom were referred the President's Message of the 14th instant, accompanied with a letter from the Delegates of this State in Congress, on the subject of the back lands, now laid their report on the table.

On motion, by order, the said report was read the first time.

By special order, the same was read the second time and agreed to.

Ordered, That Mr. Baning deliver the same to the House of Assembly, for their consideration and concurrence.

Mr. Baning reported the delivery according to order.

On motion, by order,

The supplementary bill to the act for ascertaining the depreciation of the pay accounts of divers persons in the several departments of the army, &c., was read the second time, and sundry

amendments were proposed, agreed to, and ordered to be transcribed.

Ordered, That Mr. Joshua Polk return the said bill, with the paper of amendments proposed thereto by the Council, to the House of Assembly, for their consideration and concurrence.

Mr. Polk reported the delivery according to order.

Mr. Carty, a member of the House of Assembly, was admitted and delivered to the Chair the resolutions of the General Assembly, made at their last sitting, directing a report of the state of the accounts between this State and the United States, with a resolution of the House of Assembly for the payment of seventy-five pounds to Wm. Peery, Esq., for public services performed.

Adjourned till to-morrow at 7 o'clock.

FRIDAY, June 20, 1783.

The Council met. Present the same members as on yesterday.

The Council now took into consideration the additional amendments proposed by the House of Assembly to the bill for auditing and arranging the accounts of this State, and agreed thereto, and also proposed further additional amendments to the said bill, by inserting in the 4th page of the House of Assembly's transcribed bill, last line but one and next before the words [any law, usage or custom to the contrary notwithstanding], the following words: [other than for any overplus of the specific sum directed to be raised in the annual tax acts occasioned by an excess of rate laid to supply deficiencies and the charge of collection].

Ordered, That Mr. Read return to the House of Assembly the foregoing bill, with the additional amendments proposed by that House agreed to by the Council, and a further additional amendment proposed by the Council to the said bill.

Mr. Read reported the delivery thereof, according to order, to the House of Assembly.

On motion, by order,

The bill for raising £22,500 for the service of the year 1783, was read the third time, by paragraphs, and, upon the motion and question, "Whether the power of collection shall be vested in one person in each county, he to be accountable in the Auditor's office by rendering his accounts there of collection on or before the 20th day of January and 10th day of April next, and finally accounting there on the said 10th day of April, paying in the meantime to the State Treasurer, on the 1st days of December and March next, the several proportions directed to be raised in each county, thereby changing the mode of collection from the collectors of hundreds and their account and payment to the County Treasurer, and by him to the State Treasurer," the Council determined in favor of the question.

Whereupon Mr. William Polk required the yeas and nays on the above question. They are as follows:

For the question—Messrs. Read, Bassett, Grantham, and Banning.

Against it—Mr. William Polk, and Mr. Joshua Polk.

Then the Council proceeded in the further consideration of the said bill, and divers other amendments were proposed, agreed to and ordered to be sent to the House of Assembly, for their consideration and concurrence, together with the said bill, by Mr. Bassett; who reported the delivery according to order.

Mr. James, a member of the House of Assembly, attending, was admitted and delivered to the Chair the report of the committee of the House of Assembly upon the memorials of Capt. Moore and Doctor Tilton, and the petition of Ginnethan Harney, formerly a lieutenant in the Delaware Regiment, together with a resolution of the House of Assembly for issuing a certificate to Ginnethan Harney.

Mr. Ridgely, a member of the House of Assembly, was admitted and delivered to the Chair the bill for raising £22,500 for the service of the year 1783, with the paper of amendments proposed thereto by the Council, disagreed to by the House of Assembly except as to their first part of the 4th amendment.

Mr. Davis, a member of the House of Assembly, was admitted

and delivered to the Chair the bill for auditing and arranging the accounts of this State, &c., and the further additional amendment proposed thereto by the Council acceded to by the House of Assembly, together with a further amendment proposed by the House of Assembly to the same bill; which, by order, was read, considered and agreed to. Upon the question being put, it was determined in Council unanimously that the blank in the bill for auditing and arranging the accounts of this State and for the more effectual settlement of the same, be filled up with the name of Eleazar McComb, Esquire.

Ordered, That the said bill, as amended and agreed to, be engrossed.

Mr. Charles Polk, a member of the House of Assembly, was admitted and returned the report of the committee of Council to whom was referred the President's Message of the 14th June, 1783, accompanied with a letter from the Delegates of this State on the subject of the back lands, with an amendment proposed thereto by the House of Assembly.

Mr. Molleston, a member of Assembly, was admitted and delivered an account of James Booth, Esquire, for public services done, against the Delaware State, amounting to £74 : 12 : 10, together with a resolution of the House of Assembly for the payment of £24 : 12 : 10, the balance of the above account, to the said James Booth.

The same member also delivered to the Chair the account of Isaac Carty, Esquire, late Assistant Commissary of Purchases, amounting to £1997 : 18 : 4, together with a resolution of the House of Assembly for the payment of £500 to Isaac Carty, Esq.

On motion, by order,

The bill for preventing vexatious suits, &c., was read the second time.

Adjourned till to-morrow.

SATURDAY, June 21, 1783.

The Council met. Present the same members as on yesterday.

The bill for auditing and arranging the accounts of this State, &c., being engrossed, was read, compared and signed by the Speaker.

The Council now took into consideration such of the amendments as were proposed by them and disagreed to by the House of Assembly to the bill for raising £22,500 for the service of the present year, and receded from all so disagreed to except the proposed enacting clause in the 6th amendment, to which they adhered, and proposed a paper of further amendments to the same bill, which were agreed to, and ordered to be transcribed and sent to the House of Assembly, accompanied with the following message, drawn up at the table, read and agreed to, viz :

Gentlemen :

We return your second Tax Bill for the present year, with our first paper of amendments, the most material of which you had disagreed to, and you will then discover, that the Council had receded from all those amendments so disagreed to, but the proposed enacting clause in the sixth amendment, which the Council consider as necessary to be adopted upon the principles and plan of the Auditor's Bill, which has received the concurrence of your honorable House. We send you also a second paper of amendments framed on the same principles, to prevent a contradiction in the provision of the two bills aforesaid as to the mode of accounting by the respective County Treasurers.

Gentlemen—Be assured, that we have withdrawn those amendments relative to the mode of collection and account of the State-tax, granted by this bill for the year, not from any alteration in our sentiments expressed in our message to your House of the fourth of February last, with respect to which you have held an awful silence. The framing of this second bill upon the plan of the first, without answering the reasons assigned by Council for their proposed amendments to substantial parts of the bill, is a mode of conducting business of legislation totally different from what the Council conceive to be parliamentary, or ever hereto-

fore in practice in this State. The Council consider the delay of your honorable House, in taking up this subject of the annual supplies so late in the session, as an apology to the public and themselves, for assenting to the continuance of a plan of collection of the State-tax as heretofore used, apparently inadequate and unproductive. As the Council must either recede from their well founded and unanswered amendments, or lose the supplies for the year, they have considered the first as the lesser inconvenience, because temporary, and may be provided against in future.

Gentlemen of the House of Assembly—We cannot here omit taking notice of a further striking fact in support of our proposed alteration in the plan of collection and account of the State-tax which has been afforded since our former message on this subject, that is the total silence of the several persons to whom the resolutions of the General Assembly, passed the thirty-first January, 1783, were addressed and delivered, respecting the collection and account of the State-tax of the year 1781, particularly the County Treasurers, who were to be the first and principal actors under those resolutions, two of whom are members of your honorable House.

Ordered, That Mr. Bassett return to the House of Assembly the said bill, with the paper of further amendments proposed thereto by the Council, and the foregoing message; and that he also deliver the Auditor's bill, engrossed and signed by the Speaker, with the original bill, for comparison, and in order to be signed by the Speaker of the House of Assembly.

Mr. Bassett reported the delivery thereof according to order.

The Council took into consideration the amendment proposed by the House of Assembly to the instructions proposed by the Council to the Delegates from this State to the Congress of the United States, and agreed to the said proposed amendment, and the same, as was agreed to by both Houses, are as follows:

INSTRUCTIONS FROM THE GENERAL ASSEMBLY OF DELAWARE
TO THE DELEGATES OF THE SAID STATE TO THE CONGRESS
OF THE UNITED STATES OF AMERICA.

Gentlemen :

Yours of the eleventh instant to the President of this State, accompanied with the report of a committee of Congress on the

act of the Legislature of *Virginia* of the second of January, 1781, respecting the cession offered by that State to the United States, of all the lands northwest of the River Ohio, was laid before us, and after full consideration and deliberation had upon the premises, we are decidedly of opinion, that this State is justly entitled to a right, in common with the other members of the Union, to all that extensive tract of country which lies to the westward of the frontiers of the United States, the property of which was not vested in, or granted to, individuals at the commencement of the present war; or which hath been, or may hereafter be, gained from the King of Great Britain, or the native Indians, by the blood and treasure of all, and ought therefore to be a common estate, to be granted out on terms beneficial to the United States.

We are the more strongly impressed with these sentiments, because well assured, that every idea held out to the public, on paper or otherwise, at the commencement of the late war, was diametrically opposite to the acceptance by the other States, of the cession now proposed.

Why is this partial cession proposed, and that too, wonderfully fettered?

The States are, or are not, entitled to their proportional part of the lands in dispute. If entitled, then the accepting of what is proposed is, must and will be hereafter, considered a clear dereliction of their right to the residue.

We apprehend the considering of these lands as the now indisputable right of the United States in common, and hereafter to be granted out on terms beneficial to the whole, is so plainly consistent with justice and so indispensibly essential to the future peace and welfare of the Union, that we feel ourselves not a little alarmed at such a seeming disinclination, which too evidently appears in our sister State, in giving up what justice so loudly demands from her.

We judge this business to be of the first magnitude—deeply interesting to us and our posterity; and for cogent reasons, we conceive no time should be lost in bringing it to a conclusion; and we expect and desire, that you will positively assert the claim of this State, in common with the other States, to all the lands to the westward of the frontiers of the United States as above expressed.

And that if any particular doubts or difficulties present themselves to your minds on the above question, supposing the ground thereof should be changed, or on any other question of great moment agitated, or likely to be soon controverted in Congress, you will communicate them fully to the President of this State, that he may be enabled to judge of the expediency of convening the Legislature and taking their sense thereon for your further direction.

On motion, by order,

The resolution for erecting a tombstone over the grave of Col. Haslet, was read the first time.

By special order, the same was read the second time, concurred in, and is as follows, viz :

“ IN THE HOUSE OF ASSEMBLY,

“ WEDNESDAY, A. M., June 18, 1783.

“ The House having taken into consideration that part of the
“ message from his Excellency, the President, of the thirteenth
“ instant, recommending that something monumental be erected
“ at the place of interment of the body of Colonel John Haslet,
“ who nobly fell in the defence of the freedom of America,

“ *Resolved*, That the Delegates from this State to Congress be
“ empowered to cause a tombstone to be erected over the grave
“ of the deceased, at the expense of this State, with such inscription thereon as they shall think proper, expressive of the high
“ esteem this State entertains for the memory of that worthy
“ citizen and patriot; and that the President be empowered to
“ draw his order on the State Treasurer for any sum not exceeding twenty pounds to defray the expense thereof.

“ JAS. BOOTH, *Cl'k of Assembly*.

“ Sent for concurrence.”

On motion, by order,

The resolution of the House of Assembly founded on the report of the Committee of Accounts on the accounts of Peter White, was read and concurred in.

On motion, by order,

The resolution of the House of Assembly for the payment of £75 to Wm. Peery, Esq., was read and concurred in.

On motion, by order,

The resolution for the payment of £24 : 12 : 10 to Jas. Booth, Esquire, was read and concurred in.

On motion, by order,

The resolution for issuing a certificate to Ginnethan Harney, was read and concurred in.

Ordered, That Mr. W. Polk return to the House of Assembly the several foregoing resolutions, concurred in severally by the Council, together with the several accounts on which the said resolutions are respectively founded; and that he also deliver to that House the instructions of the Council to the Delegates in Congress, with the amendment proposed thereto by the House of Assembly agreed to by the Council.

Mr. Polk reported the delivery according to order.

Mr. James, a member of the House of Assembly, was admitted and delivered to the Chair a resolution appointing a committee to adjust the Loan Office accounts of Kent so far as respects Mr. Vining's estate.

The same member also delivered a resolution for the payment of £200 to James Adams, printer, accompanied with his petition.

The same member also delivered a resolution for ascertaining the allowance to the Delegates to Congress, founded on the resolutions of the last sitting, as amended by Council and agreed to by the House of Assembly.

The same member also delivered to the Chair a resolution appointing commissioners for establishing the line of jurisdiction, &c.

Mr. Clayton, a member of Assembly, was admitted and delivered to the Chair a resolution directing the State Treasurer to discharge the balance due on Robert Morris', Esq., bond.

On motion, by order,

The resolution appointing a committee to adjust the Loan

Office accounts of Kent County so far as respects Mr. Vining's estate, &c., was read and concurred in.

And thereupon the Council have appointed, on their part, John Cook, Esq., to join with the committee of the House of Assembly in the business above mentioned.

On motion, by order,

The petition of James Adams, printer, and the resolution of the House of Assembly for the payment of £200 to the said Jas. Adams, were read and concurred in.

On motion, by order,

The resolution for ascertaining the allowance to the Delegates in Congress, was read, concurred in, and is as follows, viz:

“IN THE HOUSE OF ASSEMBLY,

“SATURDAY, June 21, 1783.

“WHEREAS it is necessary that the allowance to the Delegates, from this State to the Congress of the United States of America, be fixed and ascertained, and that a regular representation of this State in Congress be kept up in future; therefore

“*Resolved*, That each of the Delegates from this State to Congress, for the present year, be allowed the sum of *four dollars per day*, for every day they attend in Congress; provided that such attendance be regular, so that a representation be kept up in Congress.

“*Resolved also*, That the President or Commander-in-Chief of this State, upon each Delegate's producing an account of his monthly attendance as aforesaid, be and he hereby is authorized to draw an order on the State Treasurer, indorsed on such account, for the payment of the same, which account, order and receipt, shall be a sufficient voucher for the Treasurer in settlement of his account.

“JAS. BOOTH, *Cl'k of Assembly*.

“Sent for concurrence.”

On motion, by order,

The resolution appointing commissioners for establishing the line of jurisdiction, &c., was read, concurred in, and is as follows:

“ IN THE HOUSE OF ASSEMBLY,

“ THURSDAY, P. M., June 19, 1783.

“ On motion,

“ *Resolved*, That the Delegates from this State to the Congress of the United States, for the time being, or any two of them, be and are hereby appointed Commissioners, on the part of this State, to join with such Commissioners as are, or may be appointed by the States of Pennsylvania and New Jersey, for the purpose of settling and establishing the line of jurisdiction between Delaware, Pennsylvania and New Jersey, and for ascertaining and establishing the right of this State to the islands in the Bay and River of Delaware.

“ JAS. BOOTH, *Cl'k of Assembly*.

“ Sent for concurrence.”

On motion, by order,

The resolution directing the State Treasurer to discharge the balance due on Robert Morris', Esq., bond, was read and concurred in.

On motion, by order,

The resolution of the House of Assembly for the payment of £500 to Isaac Carty, Esq., was read and disagreed to.

Ordered, That Mr. Joshua Polk return the several foregoing resolutions (except the last mentioned, which was disagreed to), with the concurrence of the Council respectively thereto.

Mr. Polk reported the delivery according to order.

Mr. Charles Polk, a member of the House of Assembly, was admitted and delivered to the Chair the bill for arranging the accounts of this State, with the original.

The same member also delivered the bill for raising £22,500 for the service of the year 1783; the supplementary act to the act for ascertaining the pay accounts of divers persons in the several departments of the army, &c.; the bill to authorize the Delegates of the Delaware State to ratify the alteration of the 8th Article of the Confederation, &c.; the bill for repealing part of

an act for ascertaining the allowance to the members of the General Assembly, &c.; the bill to invest Congress with the power to levy duties upon all goods, &c.; and also the bill for repealing part of an act entitled "An act to prevent the sales of lands, goods, &c., by virtue of executions," respectively engrossed and signed by the Speaker of the House of Assembly, together with a resolution for affixing the Great Seal to the said bills, and a message from the House of Assembly to the Council.

On motion, by order,

The foregoing bills were read, compared, and ordered to be respectively signed by the Speaker of the Council; which was accordingly done.

On motion, by order,

The resolution for affixing the Great Seal to seven laws passed the 21st June, 1783, was read, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,

"SATURDAY, June 21, 1783.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix the Great Seal of the State to the following laws, to wit:

"1. 'An act to invest the Congress of the United States with the power to levy duties upon all goods, wares, and merchandise imported into this State from beyond the seas, for a limited time, and to establish a fund for the payment of the interest arising on the public debt;'

"2. 'An act for repealing part of an act entitled 'An act for ascertaining the allowance to members of the General Assembly, and for other purposes,' passed at New Castle, the twelfth day of February, one thousand seven hundred and eighty-one;'

"3. 'An act to authorize the Delegates of the Delaware State to subscribe and ratify the alteration of part of the Eighth Article of the Confederation and perpetual Union between the United States of America, as agreed to in Congress on the eighteenth day of April last;'

"4. 'An act for the repeal of part of an act entitled 'An act

“to prevent the sales of lands, goods, and chattels, by virtue of
“execution, in certain cases, for a limited time, and for other
“purposes;”

“5. ‘An act for the auditing and arranging the accounts of
“this State, and for the more effectual settlement of the same;’

“6. ‘A supplement to an act entitled ‘An act for ascertaining
“the depreciation of the pay accounts of divers persons in the
“several departments of the army who are credited to this State
“as part of the quota of the land forces thereof, and for other
“purposes;’

“7. ‘An act for raising twenty-two thousand five hundred
“pounds for the service of the year one thousand seven hundred
“and eighty-three.’

“JAMES BOOTH, *Cl'k of Assembly*.

“Sent for concurrence.”

Mr. Duff, a member of the House of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for the payment of £29 to the President, with an order, signed by the Speaker of the House of Assembly, for that purpose, and also an order in favor of James Adams, printer, for £200, signed as above.

On motion, by order,

The resolution for the payment of £29 to the President, was read, concurred in, and is in these words, viz :

“IN THE HOUSE OF ASSEMBLY,

“SATURDAY, June 21, 1783.

“On motion,

“*Resolved*, That his Excellency, the President, be allowed the
“sum of twenty-nine pounds for the purpose of defraying his
“expenses during his attendance on the General Assembly at
“the present sessions.

“JAS. BOOTH, *Cl'k of Assembly*.

“Sent for concurrence.”

Whereupon the order above mentioned, in favor of the President, and that in favor of James Adams, were respectively signed by the Speaker.

Ordered, That Mr. Polk return to the House of Assembly the foregoing bills, respectively signed by the Speaker of the Council, together with the resolution for affixing the Great Seal to the said bills, and the resolution for the payment of £29 : 0 : 0 to the President, with the concurrence of the Council severally thereto.

Mr. Polk reported the delivery according to order.

Then the Council took into consideration the per diem wages and mileage of their Members and Clerk, incurred at their present meeting, and the following accounts were allowed, viz :

To the Hon. John Cook, Esq., Speaker, No. 1, . . .	£	27	11	0
To George Read, Esq., No. 2, ...		18	13	6
To Isaac Grantham, Esq., No. 3, ...		20	9	6
To John Baning, Esq., No. 4, ...		17	10	0
To Richard Bassett, Esq., No. 5, ...		21	17	6
To Joshua Polk, Esq., No. 6, ...		19	2	0
To William Polk, Esq., No. 7, ...		12	10	6
To Benjamin Vining, as Clerk of the Council, No. 8,		25	2	6
To Mrs. Eliza Battell, for the hire of her room, No.				
9, ...		5	0	0
		£ 167 16 6		

Whereupon

Ordered, That the Speaker draw orders on the State Treasurer in favor of the respective persons above mentioned for the payment of the sums annexed to their names respectively.

Which was accordingly done.

Then the Council adjourned to the 30th day of September next.



MINUTES OF COUNCIL.

OCTOBER, 1783.

MEMBERS' NAMES.

NEW CASTLE COUNTY :

ISAAC GRANTHAM, GEORGE READ, THOMAS McDONOUGH.

KENT COUNTY :

RICHARD BASSETT, JOHN BANING, CÆSAR RODNEY, *Speaker*.

SUSSEX COUNTY :

WILLIAM POLK, JOHN COLLINS, JOSHUA POLK.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Legislative Council for the Delaware State, held at Dover, for the said State, on Monday, the 20th day of October, Anno Domini, 1783,

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Saturday, the 25th of the same month, when these appeared, as follows:

For New Castle County — Isaac Grantham, George Read, Thomas McDonough.

For Kent County — Richard Bassett, John Baning, Cæsar Rodney.

And the said members being so met in Council, certain indentures, certifying the election of Thomas McDonough, a member of the Council for the County of New Castle, and Cæsar Rodney, a member of the Council for the County of Kent, were respectively produced and read, whereby it appeared to the Council that they were severally duly elected to represent the said Counties as members of the Legislative Council of the Delaware State, at the last annual election held in the Counties of New Castle and Kent, on the first day of this instant, October, for three years next ensuing the said election.

The Council proceeded to the choice of a Speaker, and the Honorable Cæsar Rodney, Esquire, was unanimously chosen.

The Council then proceeded to the choice of a Clerk, and a letter from Benjamin Vining, Esq., the late Clerk, being read,

mentioning his desire to decline that service, James Sykes, Esq., was unanimously chosen Clerk of this House.

On motion, the Council adjourned to Monday morning, 10 o'clock.

MONDAY, 27th October, A. M.

Council met. Present all the members who appeared on Saturday last.

The Speaker, in the Chair, took the oath prescribed by the Constitution, and subscribed the declaration of faith therein required, and Thomas McDonough, Esquire, took the said oath and subscribed the declaration.*

James Sykes, Clerk of the Council, took the said oath and subscribed the declaration, and also took the oath of office.*

William Polk, Esq., a member of Council for Sussex County, appeared in the House and took his seat.

Joshua Polk, Esquire, also appeared in the House, and at the same time was delivered to the Chair an indenture, certifying that the said Joshua Polk, in the said indenture returned by the Sheriff, Inspectors and Freeholders of Sussex County, was elected in the present year for said county by a majority of such votes as the Inspectors of the several hundreds in the said county of Sussex, or a majority of them, adjudged to be legal votes.

On motion, ordered to be left under consideration until to-morrow.

Mr. Bassett prays leave of absence, to attend the Supreme Court of Sussex County, for a few days, which is granted.

Adjourned to 10 o'clock to-morrow morning.

* See notes on pages 10 and 11.

TUESDAY, 28th, A. M.

Council met. All the members present who attended yesterday, except Mr. Bassett.

The Speaker laid on the table sundry petitions and remonstrances, signed by a number of the inhabitants of Sussex County, and one petition, signed by a number of the inhabitants of Kent County, delivered him by a member of the House of Assembly, complaining of irregularity in conducting the last annual elections in those counties.

On motion, ordered that the same be read; which was done accordingly.

On motion, by special order, the petition from Kent County was read a second time. The whole referred to further consideration.

Adjourned to three o'clock this afternoon.

EODEM DIE, P. M.

Council met and resumed the consideration of the petitions last mentioned, and after some time spent thereon, ordered that subpoenas shall issue for James Raymond, Esq., Col. Charles Pope, James Vandyke, Joseph Meredith, William Pope, Benj. Stout, William Jordon, Thomas Collins, Esquire, John Clayton, Esq., James Newnam, Joseph Harper, Thomas Skillington, Samuel Freeman, Geo. McCall, Joseph Taylor, Henry Gilder and Curtis Crumpton, commanding their appearance before this House on Tuesday, the fourth day of November next, to be examined touching the complaint exhibited in the said petition from Kent County, and that a copy of the said petition be made out by the Clerk and delivered to John Clayton, Esquire, High Sheriff.

Ordered also, That subpoenas shall issue for such persons whose

names are written on the back of the petitions and remonstrances from Sussex County, to wit: Rhodes Shankland, Esquire, John Wiltbank, Esq., Thomas Duncan (Constable), Thomas Higman, Richard Hays, Thomas Fisher, Jr., John Burton, son of Benjamin, Zadock Lindal, Charles Polk, Francis Johnston, Alexander Laws, Esq., David Polk, Esq., John Laws, Esq., Evan McIvan, William Sharp, Ely Spicer, Doct. Clement Polk, Seth Griffith, Nathaniel Waller and Benjamin Burton; and also for such persons as were judges and clerks at the election of that County, to wit: Richard Hayes, Junior, John Willis, Joseph Bradley, Levin Vaughn, John Bacon, Robert Stephenson, Peter Marsh, Somerset Dickinson, Jonathan Nottingham and Mills Harney, commanding their attendance, respectively, before this House on Thursday, the sixth of November next, to be examined and answer touching the complaints represented in said petitions and remonstrances from said county; and that one copy of a petition and one of a remonstrance be made out by the Clerk and sent into that county.

Ordered, That Mr. Speaker sign the subpœnas above mentioned.

Ordered also, That Mr. Speaker issue subpœnas for such persons as may be wanted to attend and give evidence on the investigation of the subject matter of the above petitions concerning the elections of those counties, upon application made to him by any person or persons concerned for that purpose, returnable, those for Kent on Tuesday, the fourth of November next, or the day following; those for Sussex on Thursday, the sixth of the same month, or any day following in that week.

Then the Council appointed James Newnam Sergeant-at-Arms, and ordered that Mr. Speaker shall appoint a Deputy, to act in his stead, in case of necessary absence.

Adjourned to Tuesday, 4th November, at 10 o'clock in the morning.

TUESDAY, November 4th, A. M.

Council met according to adjournment. All the members present, except Messrs. Bassett, Wm. Polk, and Collins.

On motion, ordered

That the doors of this House shall be set open during the inquiry into the validity of the elections of Kent and Sussex.

On motion, ordered

That the several depositions and examination of witnesses that shall appear before this House concerning the said elections shall be taken in writing by the Clerk.

James Newnam appointed Doorkeeper during the present sitting.

The several subpcenas issued for sundry persons in the County of Kent, therein mentioned, were now returned by Stephen Alston, Deputy Sergeant-at-Arms, and by him duly certified that he had served them upon each person respectively.

Adjourned till three o'clock, P. M.

EODEM DIE, P. M.

Council met and proceeded to the examination of such witnesses as appeared who were signers of the petition concerning the election of Kent County, and took the same in writing, agreeable to the above order.

On motion, adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, November 5th, A. M.

Council met. Present all the members who appeared yesterday, and resumed the examination of witnesses, and made some progress therein, and adjourned till 3 o'clock this afternoon.

EODEM DIE, P. M.

The Council met.

Mr. William Polk, a member of Council, appeared in the House, and made an apology for his non-attendance at the first meeting of this House, which was accepted.

The House continued the examination of witnesses on the petition from Kent County.

Mr. Collins, a member of Council, appeared in the House and took his seat.

Adjourned to ten o'clock to-morrow morning.

THURSDAY, 6th November, A. M.

Council met. Present all the members.

Mr. Bassett, who had been absent during the present sitting of the House at Sussex Supreme Court, now gave the reasons for his not sooner attending, which were accepted.

The several subpoenas issued for sundry persons of the County of Sussex, therein mentioned, were returned to this House by

James Newnam, Sergeant-at-Arms, and by him duly certified that he had served them upon each person respectively.

Adjourned to three o'clock, P. M.

EODEM DIE, P. M.

Council met.

Seven petitions, signed by a great number of the inhabitants of Kent County, complaining of the violent proceedings of some persons at the last general election in carrying off the box containing the votes then remaining to be read at one of the polls, were read.

Ordered to lie on the table.

Council then proceeded to examine witnesses from Sussex County on the subject matter of the general election of that County, and made some progress therein.

Adjourned to ten o'clock to-morrow morning.

FRIDAY, 7th November, A. M.

Council met. Present all the members.

Continued the examination of witnesses from Sussex County on the petitions presented to Council from that county, and made some progress therein.

Adjourned till three o'clock this afternoon.

EODEM DIE, P. M.

Council met and went into the same inquiry.

Adjourned till nine o'clock to-morrow morning.

SATURDAY, 8th November, A. M.

Council met. Present all the members.

Continued the examination of witnesses from Sussex County.

The question was put, after the subject was debated, whether Isaac Conway, a person who had been indicted for high treason in the County of Sussex, and afterwards pardoned by an act of Assembly for the relief of divers persons concerned in the late insurrection in said county, passed November 4th, 1780, should be admitted to give evidence to Council upon the subject matter of the election of that county, the said person having complied with the terms of said act, and it passed in the affirmative.

On motion, that the yeas and nays should be entered on that question, it was ordered accordingly, and they are as follows, viz:

For the affirmative — George Read, Richard Bassett, John Banning, Thomas McDonough, Isaac Grantham.

For the negative — William Polk, John Collins.

Council adjourned to 10 o'clock Monday morning.

MONDAY, 10th November, A. M.

Council met. Present all the members, except Mr. Polk and Mr. Collins, and continued the examination of witnesses from Sussex County.

Adjourned to three o'clock this afternoon.

EODEM DIE, P. M.

Council met. Same members appeared as in the morning.

Continued the examination of witnesses from Sussex County.

Mr. William Polk appeared, represented to the House that one of his children was very ill, which had occasioned his delay, and hoped the excuse of the House for that reason. He is therefore excused.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, 11th Nov., A. M.

Council met. Continued the examination of witnesses from Sussex County.

Adjourned to three o'clock this afternoon.

EODEM DIE, P. M.

Council met. Continued the examination of witnesses from Sussex County.

Mr. Joshua Polk was now admitted to take and subscribe the oath prescribed by the Constitution, and to take his seat in Council as a sitting member until Council shall decide upon the legality of the election for the County of Sussex.

Council adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, 12th November, A. M.

Council met. Present all the members.

Continued the examination of witnesses from Sussex County.

Adjourned to three o'clock this afternoon.

POST MERIDIAN.

Council met. Present the same members.

Proceeded to examine witnesses from Sussex County.

Council adjourned to 9 o'clock to-morrow morning.

THURSDAY, 13th November, A. M.

Council met. Present same members as before.

On motion, that Council go into the consideration of the Kent petition at 4 o'clock this afternoon, it was thereto agreed.

Adjourned until 4 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

The petition from Kent County respecting the annual election of that county, and the testimony respecting the same, was taken

into consideration, and the debate upon the same was further postponed until to-morrow.

Council adjourned to 9 o'clock to-morrow.

FRIDAY, November 14, A. M.

The Council met according to adjournment, and adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

And now the Council resumed the consideration of the petition from Kent County, praying that the election had on the first day of October last should be set aside, together with the testimony produced and heard by the Council to the same election.

And thereupon the Council resolved unanimously as follows, to wit:

1. That no evidence whatsoever hath been given to support the charge that one of the Inspectors changed a vote delivered to him by an elector.

2. That no evidence hath been given that any Inspector did swear that such particular men should be carried, but one inspector, to wit: Samuel Wilson, of Duck Creek Hundred, did imprudently say that a parcel of tickets which he held in his hand should or would go, declaring they were good whig votes. That said Wilson was in liquor at time.

3. That as to the charge that a number of non-jurors and persons otherwise disqualified to vote were admitted to vote, it ap-

pears, by the testimony of Joseph Meredith, that a James Maxwell should have told him that he had voted though he had not taken the oath of fidelity; and that it further appears as well by the said inspector Wilson's testimony as also by his list of voters at the said election that he (Wilson) received Maxwell's vote as a good vote, that Maxwell, although summoned to attend the Council, hath neglected so to do for the ascertainment of the fact of his being a non-juror, but that no other testimony was given of admitting other non-jurors or other disqualified persons to vote.

4. That no evidence whatsoever hath been given of administering the oath of fidelity to the State to any disaffected persons on the morning of the election.

5. That it appears by the evidence that about one or two o'clock in the morning of the 2d of October last, while the judges of the election were employed in reading off the received votes out of the box into which all the votes had been put and mixed, a person by the name of Conner did forcibly take and carry off the said box containing in it the remaining uncounted votes or tickets.

6. That it appears by the evidence that one of the polls or tallies, kept by John Pearce (one of the appointed clerks) containing the number of votes for Counsellor and Assemblymen was taken up by Judge Collins and saved from an attempt made by a James Frazer to seize it. That the same was in Judge Collins' sole possession for about ten minutes, after which he delivered it to the Sheriff and inspectors. That the other poll for Counsellor and Assemblymen was in the sole possession of the Sheriff, he taking up from Mr. Stout, the other clerk, upon the seizing and carrying off the box. That at the same time one of the polls or tallies kept of the votes for the candidates for Sheriff and Coroner's office was taken up and secured by George Cummins, the under-Sheriff, and by him immediately delivered to the Sheriff. That the other poll or tally for Sheriff and Coroner was seized and carried off by a certain Isaac Griffin, of Duck Creek Hundred. That upon the examination and comparison immediately made after the return of Judge Collins of the two polls or tallies for Counsellor and Assemblymen the number tallied off in each of these two polls corresponded.

7. That it appears, as well by verbal testimony as by the lists

and tallies kept by the clerks appointed for that purpose, that the whole number of the votes or tickets received at the said election, put into the said general box, amounted to seven hundred and fifty, and the number of the said tickets read off from the said box amounted to six hundred and sixty-seven.

8. That it appears by the testiimony and lists last aforesaid, as also by the Sheriff's, inspectors' and freeholders' indenture, returned to this House, that Cæsar Rodney, Esquire, the candidate for the vacant seat, in the County of Kent, in this present year, and the returned member, had six hundred and sixty-five votes of the said number so read off.

9. That it appears by the evidence that the other two votes were for persons ineligible, to wit: Thomas Collins, Esquire, Chief Justice of the Common Pleas, and Richard Bassett, Esquire, already a member of this House.

10. That it appears by the evidence that several persons' names, annexed to the said petition, particulalry those of Samuel Griffin, Enoch Jones and Alexander Worknot, were not subscribed by themselves or by their order.

11. That it appears by the evidence that Isaac Griffin, whose name is annexed to the said petition, conducted himself in a very unbecoming, disorderly manner during the time the said votes were reading off, in the presence of the judges of the election, and from his conduct immediately on Conner's taking the box, induce the Council to believe he was privy to Conner's intention of taking it.

12. That it appears by the evidence that one other of the petitioners, Thomas Cummerford, had knowledge of such an attempt being to be made, before it was carried into execution.

And thereupon it was unanimously adjudged by the Council that Cæsar Rodney, Esquire, the returned member of this House for the County of Kent, this present year, was duly elected.

On motion, ordered

That the consideration of the petition and remonstrance, complaining of irregularity in conducting the last general election of Sussex County, be taken up at the meeting of Council to-morrow morning.

Council adjourned to 10 o'clock to-morrow morning.

SATURDAY, November 15th, A. M.

Council met. Present all the members.

Agreeable to the order of the day, Council went into the consideration of the petition and remonstrance concerning the irregularity of conducting the last general election of Sussex County, and praying that writs for holding a new election in that county may be directed, or such other measures for restoring the just rights and liberties of the people, preserving them forever inviolate, redressing their present and preventing future grievances, as may be most conducive and effectual to that important end, and after some time spent thereon, adjourned to three o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present all the members, except Mr. Joshua Polk.

And now the Council resumed the consideration of the petition and remonstrance from Sussex County, together with the testimony produced and heard by the Council relative to the last general election held for that county, and after some time spent therein,

On motion, the following questions were put, viz:

1. Whether the fact alleged in the petition from Sussex, complaining that the petitioners, who had lately taken the oath of fidelity to the State, producing a voucher to the Justice at the time, were refused to vote at the general election, for that the vouchers had not been sworn, appears to be proved to the satisfaction of this House?

Passed in the affirmative unanimously.

2. Whether the Inspectors refusing the said votes were warranted by law in so doing?

Passed in the negative.

On motion, that the yeas and nays should be entered on this question, it was ordered accordingly, and they are as follows, viz:

For the affirmative—Mr. William Polk, Mr. Collins.

For the negative—Mr. Read, Mr. Baning, Mr. Bassett, Mr. McDonough, Mr. Grantham.

3. Whether the fact alleged in the said petition, that some of the said Inspectors refused the votes of persons under age at the time of passing the law for the further security of the Government, in May, 1778, and who had taken the oath of fidelity to the State after three months from their coming of age, without producing a voucher, appears to be proved?

Passed in the affirmative unanimously.

4. Whether such Inspectors were warranted by law in so doing?

Passed in the negative.

On motion, yeas and nays on this question ordered:

For the affirmative—Mr. Collins.

For the negative—Mr. Read, Mr. Baning, Mr. Polk, Mr. Bassett, Mr. McDonough, Mr Grantham.

Quest. 1st. Respecting the remonstrance from Sussex County: Whether the fact alleged in the remonstrance from Sussex County, complaining that a number of officers and soldiers, lately in the pay of the Continent, and also one of the Inspectors and his clerk, appeared at the general election with swords, bayonets and clubs, and that said officers and soldiers uttered many menacing speeches to terrify the electors, and actually committed a most violent and outrageous riot in beating and abusing several persons, and also in beating and abusing a Constable, in the execution of his office, who commanded the peace, and others, by means whereof many electors rode out of town without voting, appears to be proved to the satisfaction of this House?

Passed in the affirmative.

On motion, ordered that the yeas and nays on this question be taken:

For the affirmative—Mr. Read, Mr. Baning, Mr. Bassett, Mr. McDonough, Mr. Grantham.

For the negative—Mr. William Polk, Mr. Collins.

2d. Whether the fact alleged in the said remonstrance that several boys and persons under age were permitted to vote at the said election, appears to be proved to the satisfaction of this House?

Passed in the affirmative.

On motion, the yeas and nays on this question ordered:

For the affirmative—Mr. Read, Mr. Baning, Mr. Bassett, Mr. McDonough, Mr. Grantham.

For the negative—Mr. William Polk, Mr. Collins.

3d. Whether the fact alleged in the said remonstrance that some persons, who had taken the oath of fidelity lately, by producing a voucher to a Justice of the Peace without the voucher being first sworn, were permitted to vote at said election, and others, who had taken the said oath of fidelity in the same manner, were not permitted to vote, appears to be proved to the satisfaction of this House?

Passed in the affirmative.

On motion, the yeas and nays on this question ordered:

For the affirmative—Mr. Read, Mr. Baning, Mr. Bassett, Mr. McDonough, Mr. Grantham.

For the negative—Mr. William Polk, Mr. Collins.

4th. Whether the fact alleged in the said remonstrance that some persons, who were under age at the time of making the law for the further security of the Government, and had taken the oath of fidelity after the expiration of three months from the time of their coming of age, were permitted to vote at the said election, and others, circumstanced in the same manner, were not permitted to vote, appears to be proved to the satisfaction of this House?

Passed in the affirmative unanimously.

WHEREAS it appears to this House, from the testimony delivered on the petition and remonstrance aforesaid, that some of the Inspectors, who joined in certain rules for governing their conduct as to the receiving of votes, conducted that business in a manner different from those rules and different from the other Inspectors; therefore

Resolved, That the said election, held on the first day of October last, was not freely, legally, and indifferently made, and it is adjudged by the Council, that Joshua Polk, in the indenture returned by the Sheriff, Inspectors, and Freeholders of the said County, as elected in the present year, for Sussex County, by a majority of such votes, as the Inspectors of the several Hundreds, in the said County of Sussex, or a majority of them, adjudged to be legal votes, was not legally elected.

On motion, the yeas and nays on this resolution ordered:

For the affirmative—Mr. Read, Mr. Baning, Mr. Bassett, Mr. McDonough, Mr. Grantham.

For the negative—Mr. William Polk.

Mr. Collins, not being decided on this question, did not vote.

On motion, the question was now put,

Whether an order of the House should be now made for issuing writs for a new election in the County of Sussex for a member of the Legislative Council in the room of Joshua Polk, Esquire, whose election has been determined illegal?

Passed in the negative.

On motion, the yeas and nays on this question ordered:

For the affirmative—Mr. William Polk, Mr. Collins.

For the negative—Mr. Read, Mr. Baning, Mr. Bassett, Mr. McDonough, Mr. Grantham.

Then the following accounts were allowed:

To the Honorable Cæsar Rodney, Esquire, Speaker,			
for his attendance, ...	£	18	18 0
To George Read, Esquire, for ditto and mileage, . . .		17	12 6
To Isaac Grantham, Esquire, for ditto, ...		16	7 6

To Thomas McDonough, Esquire, for attendance and mileage, ...	£	15	10	0
To Richard Bassett, Esquire, for ditto, ...		9	7	6
To John Baning, Esquire, for ditto, ...		9	12	0
To William Polk, Esquire, for ditto, ...		10	1	0
To John Collins, Esquire, for ditto, ...		8	13	0
To Joshua Polk, Esquire, for ditto, ...		6	12	0
To James Sykes, Esq., Clerk of the Council, ...		24	0	0
To James Newnam, Sergeant-at-Arms, ...		60	0	0
To Stephen Alston, Deputy Sergeant-at-Arms, . .		13	14	6
To Mrs. Elizabeth Battell, for the use of a room, fire-wood and candles, ...		12	0	0

Then the Council adjourned to the 5th January next.

MINUTES OF COUNCIL.

JAN.---OCT., 1784.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSIONS, 1784.

JANUARY 5th, 1784.

The members of the Council for the County of Kent attended, but there not being a sufficient number from the other Counties to make a quorum, no business could be proceeded on.

On the 13th January, the following notification was delivered by the Speaker of the House of Assembly to the Speaker of the Council, to wit :

DELAWARE STATE,

IN THE HOUSE OF ASSEMBLY, January 13th, 1784.

WHEREAS from the particular situation of some of the absent members of this House, it is impracticable to proceed at this time in the decision of the controverted elections for the Counties of Kent and Sussex; it is therefore

Resolved, That this House adjourn, and it is hereby adjourned to Monday the 29th day of March next.

ROBERT BRYAN, *Speaker*.

For the HONORABLE CÆSAR RODNEY, Esq., *Speaker of Council*.

Thereupon the Council adjourned until Monday, March 29th, next.

THURSDAY, April 8th, 1784.

A sufficient number of the members not having met to form a quorum on the 29th of March (the day to which the Council stood adjourned), those in attendance adjourned from day to day until Thursday, the 8th of April, when there appeared as follows:

For New Castle County—Isaac Grantham, Thomas McDonough.

For Kent County—Richard Bassett, John Baning.

Who met at the house of the Honorable Cæsar Rodney, Esq., the Speaker, he being too much indisposed to attend at the usual place of meeting.

Mr. Molleston, a member of the House of Assembly, attending, was admitted and delivered at the table a letter from the President of Congress, inclosing a resolution of that honorable body respecting the appointment of Delegates from this State to Congress; also a message and resolution of their House proposing that the General Assembly should meet forthwith, in the Council Chamber, to put in nomination persons to be balloted for to represent this State in Congress, which resolution follows in these words:*

On motion, ordered,

That a message from the Council to the House of Assembly, on the foregoing resolution of their House, be drawn up at the table, which being done, Mr. Grantham is ordered to wait on the House of Assembly and deliver the same; which was done accordingly, and follows in these words:

A MESSAGE FROM THE COUNCIL TO THE HOUSE OF ASSEMBLY.

Gentlemen :

The Council received your message of this forenoon, and beg leave to suggest to your honorable House, previous to their transacting any business, that they conceive, as one of the Coun-

* This paper does not appear on the record.

ties of this State is unrepresented in Council, they therefore apprehend an impropriety in doing business until that representation is had. However, as Council is disposed to do every thing in their power that may be thought to tend to promote the weal and happiness of their constituents, therefore, if your House conceive, under present circumstances, that legislative business can be transacted with propriety, they will not retard the same, but will meet your House forthwith, as is proposed.

April 8th, 1784.

CÆSAR RODNEY, *Speaker*.

A member of the House of Assembly, attending, was admitted and informed the Council that the House of Assembly intended going on the business proposed in their message, and requested a meeting of both Houses for that purpose.

Which being agreed to by Council, both Houses met in the Council Chamber, and the following gentlemen were put in nomination for Delegates to Congress for this State: John McKinly, Esq., Thomas Rodney, Esq., Henry Latimer, Esq., John Vining, Esq., James Tilton, Esq., William Killen, Esq., Gunning Bedford, Jun., Esq., John Thompson, Esq., Samuel Patterson, Esq., Charles Ridgely, Esq.

Ordered, That both Houses proceed to ballot immediately; which being done, and the box containing the tickets examined by the Speakers of both Houses, and the votes taken down by the Clerks, it appeared that the following gentlemen were chosen by a majority of votes, viz: John Vining, John McKinly, Henry Latimer and Thomas Rodney, Esquires, and they were declared duly elected.

The members of the House of Assembly having withdrawn from the Council Chamber, on motion,

Resolved, That the Speaker shall issue his writ for holding an election in the County of Sussex for electing a member of Council for that county in the room of Joshua Polk, whose election, on the first day of October last, had been by Council declared void, at such time as the Speaker shall think proper.

Council adjourned to 10 o'clock to-morrow morning.

FRIDAY, April 9th, A. M.

Council met. All the members present who attended yesterday.

Mr. James, a member of Assembly, attending, was admitted and delivered to the Chair a report of the Auditor of Accounts, representing that there was due to Thomas Montgomery the sum of £3 : 18, for getting certificates printed for the use of the Auditors for settling the depreciation of the pay of the Delaware Regiments; and that there was due to James Adams, for printing, contracted for by John James and Thomas Kean, Esqrs., for the use of the State, the sum of £68 : 7 : 6, with orders drawn in favor of those persons, and signed by the Speaker of Assembly, and sent to Council for concurrence; which, being read, was agreed to, and the orders signed by the Speaker of Council.

Mr. Grantham delivered at the Council table certain resolutions of the House of Assembly, respecting the commissionating the members appointed to represent this State in Congress, and ascertaining their allowance, and certain resolutions of the said House for the payment of public debts (which had been delivered to him by Mr. Douglass, a member of Assembly); which being acted upon by the Council, was concurred in.

Then the Council allowed the following accounts:

To the Honorable Cæsar Rodney, Esq., Speaker, 12 days' attendance, ...	£	10	16	0
To Thomas McDonough, Esq., 6 days' attendance and mileage, ...		5	5	0
To Isaac Grantham, Esq., for 4 days' attendance and mileage, ...		4	10	0
To James Sykes, Clerk, for his attendance, ...		5	0	0
To James Newnam, Sergeant-at-Arms, for attendance and riding express to New Castle, ...		5	6	6
To Thomas Black, for ringing the bell, ...		1	17	6
Total, ...	£	32	15	0

Then the Council adjourned to the 24th of May next, agreeable to a written intimation, directed to the Speaker of Assembly, that that House had adjourned to that time.

MONDAY, 24th May, 1784.

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Tuesday, the 15th of June, when all the members met, except the Hon. Cæsar Rodney, Esq., Speaker, and Richard Bassett, Esq.

The Council—*

* Thus closes the record of the May session.

MINUTES
OF THE
LEGISLATIVE COUNCIL
OF
THE DELAWARE STATE,

HELD AT DOVER, WEDNESDAY, OCT. 20TH, 1784.

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Monday, the 25th of the same month, when there appeared as follows:

For New Castle County—George Read, Thomas McDonough, George Craghead.

For Kent County—Richard Bassett, Vincent Loockerman, Silas Snow.

For Sussex County—Henry Neill.

And the said members being so met in Council, certain indentures, certifying the election of George Craghead, Esq., a member of Council for the County of New Castle; and Vincent Loockerman, Esq., a member of Council in the room of Cæsar Rodney, Esq., dec'd, and Silas Snow, Esq., one other member, both for the County of Kent; and Henry Neill, Esq., a member of Council for the County of Sussex, were respectively produced and read, whereby it appeared to the Council that they were severally duly elected to represent the said Counties as members of the Legislative Council of the Delaware State, at the last annual election held in the said Counties of New Castle, Kent and Sussex, on the first day of this instant, October, for three years next ensuing the said election.

The Council proceeded to the choice of a Speaker, and the Honorable Thomas McDonough was unanimously chosen.

The members elected this present year took the oath prescribed by the Constitution and subscribed the declaration of faith therein required. [*See note on page 10.*]

On motion, Messrs. Read, Bassett and Craghead are appointed a committee to wait on his Excellency, the President, and inform him that Council had met, chosen their Speaker, and were ready to proceed on business, and desire to know if his Excellency had any to lay before them.

And Messrs. Snow and Loockerman are appointed a committee to wait on the House of Assembly and inform them that Council were ready to receive and act upon any business that House may have to present.

These gentlemen, being returned, do report—the former, that they had waited on his Excellency, the President, and delivered the message committed to them, according to order, and that he was pleased to say that he had sent a message to the House of Assembly, which in due time would come before the Council; the latter, that they had waited on the House of Assembly, had delivered the message committed to them, and were informed by the House that a message would be sent to Council in a short time.

Mr. Joshua Polk, a member of Council for Sussex County, now appeared in the House and took his seat.

Mr. Nixon, a member of Assembly, attending, was admitted and delivered to the Chair a resolution of that House, which, by order, being read, follows in these words:

IN THE HOUSE OF ASSEMBLY,

MONDAY, P. M., Oct. 25, 1784.

On motion,

Resolved, That Mr. Nixon wait on the Council and propose to them that both Houses of the General Assembly meet in the Council Chamber, to-morrow at eleven o'clock in the forenoon, to put in nomination persons to be balloted for as Delegates to represent this State in the Congress of the United States of America from the first day of November next ensuing until the

first day of November in the year one thousand seven hundred and eighty-five.

October 25th, 1784.

JAMES BOOTH, *Cl'k of the Assembly.*

Concurred in by Council.

JAMES SYKES, *Cl'k of Council.*

Ordered, That Mr. Joshua Polk wait on the House of Assembly with the above resolution, with the concurrence of Council thereunto;

Who, being returned, reported that he had waited on the House of Assembly and delivered the said resolution according to order.

On motion, the Rules of the Council, made and agreed to in the year 1776, were read.

On application of Mr. Bassett for leave of absence a few days to attend the Supreme Court of Sussex County, and the same being seconded, is granted, if Mr. Bassett should think his attendance there absolutely necessary.

Adjourned till 10 o'clock to-morrow morning.

TUESDAY, October 26th, A. M.

Council met. Present all the members.

Mr. William Polk now appeared and took his seat in Council.

Both Houses of the General Assembly, having now met in the Council Chamber, proceeded to put in nomination gentlemen for Delegates in Congress, agreeable to the order of the day, and the following gentlemen were put in nomination, to wit: Gunning Bedford, Jr., Esq., John Vining, Esq., Samuel Patterson, Esq., Thomas Rodney, Esq., Doctor James Tilton, Major John Patton,

William Killen, Esq., John Thompson, Esq., John Jones, Esq., and Thomas Collins, Esq.

On motion, that five persons should be chosen to represent this State in Congress, and the question being put, it passed in the negative.

On motion, that four persons should be chosen for the purpose aforesaid, and the question being put, it passed in the affirmative.

On motion,

Resolved, That both Houses meet at four o'clock this afternoon, in the Council Chamber, to ballot for four Members of Congress, to serve from the first day of November next ensuing until the first day of November in the year 1785.

Then the two Houses separated.

Adjourned to 3 o'clock, P. M.

TUESDAY, 26th October, P. M.

Council met. All the members present.

Both Houses of the General Assembly met again, agreeable to the resolution of the forenoon, and proceeded to ballot for Members of Congress, and it appeared, upon casting up the votes, that the four following gentlemen were chosen by a majority of votes, and declared duly elected, to wit: John Vining, Gunning Bedford, Jun., Doct. James Tilton, and Samuel Patterson, Esqs.

Then the two Houses separated.

Council adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, October 27th, A. M.

Council met. Present all the members.

Adjourned to 3 o'clock, P. M.

WEDNESDAY, October 27th, P. M.

Council met. Present all the members.

A petition, signed by Bertles Shea, a prisoner in the jail of Dover, representing that he is confined in the said jail at the suit of Messrs. Hugh Lennox and Company, merchants in Philadelphia, for the debt of £450, which, with divers other large debts, he is become unable to pay; that he is willing to assign all his property, real and personal, whatsoever and wheresoever, to the use of his creditors, and prays that he may be relieved from his imprisonment upon such terms and conditions as the General Assembly shall think meet, was read.

Mr. Broom, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill entitled "A supplementary act to the act entitled 'An act for the more easy and speedy recovery of small debts, accompanied with sundry petitions, signed by a great number of the inhabitants of New Castle County, and one petition, signed by some inhabitants of Sussex County, praying the jurisdiction of the Justices of the Peace within this State may be extended to determine debts for all sums not exceeding fifteen pounds.

On motion, ordered that the same be read; which was done accordingly.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, October 28th, A. M.

Council met. Present all the members.

On motion, the bill entitled "A supplement to an act for the more easy and speedy recovery of small debts," was read a second time.

Mr. Mitchell, a member of the House of Assembly, attending,

was admitted and delivered to the Chair a bill entitled "An act for the relief of Bertles Shea, a languishing prisoner in the jail of Kent County," accompanied with a petition, signed by the said Bertles Shea, in the same words of the petition read yesterday in Council.

On motion,

The consideration of the supplementary bill above mentioned is referred to a committee of three, to wit: Messrs. Bassett, Read and Neill, who are to report the amendments therein suggested to be made by Council.

Council adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion, the bill for the relief of Bertles Shea was read.

Mr. Taylor, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act to increase the daily allowance of Grand and Petit Jurors," accompanied with a petition, signed by sundry inhabitants of New Castle County, praying that some reasonable allowance may be made for the expenses of jurymen while in attendance upon that service. These papers were read.

On motion,

Resolved, That a committee of three be appointed to bring in a bill for the devising of the means of supplying the several offices of this State with public seals to authentic the acts of office where such seals are necessary to be annexed, as well with respect to such offices whose seals have heretofore been taken by the enemy, as others the devices of which seals may not be inconformable to the independency of the State.

Whereupon Messrs. Read, William Polk and Snow were appointed a committee for that purpose.

Mr. Broom, a member of the House of Assembly, attending, was admitted and delivered to the Chair a message from his Excellency, the President of this State, accompanied with three letters from the Financier, of the 26th May, 14th June, and 12th October, 1784, and a letter from the Committee of the States, of the 2d August, 1784, with the ratification of the definitive treaty; which, by order, was read, as follows:

Gentlemen of the General Assembly :

The Secretary will lay before you sundry public letters, which I have received since the last meeting of the late General Assembly, to wit: One of the 2d of August last, from the Committee of the States, accompanied by a copy of the ratification of the definitive treaty of peace on the part of his Britannic majesty, exchanged with that on the part of the United States of America on the 10th of May last, at Passy. On the final accomplishment of this important and interesting business, I take this early opportunity of presenting you my most hearty congratulations—an event which has placed these United States in the possession of liberty and independence, and secured to them a rank among the nations of the earth. The recollection of the unequal and arduous struggle lately endured by America, for the attainment of these important blessings, must call forth the most sincere gratitude to the Wise Disposer of human events, and kindle in the breast of every American a warm attachment to that illustrious ally who, from a wise and generous policy, exerted his national strength for our defence and support. Virtue, and a wise and just policy, will, I hope, in future, render us as illustrious in peace as we have been in war, and enable us as a nation to enjoy the extensive privileges and blessings tendered to us and our posterity by our present situation.

One of the 17th of the same month, from Thomas Barclay, Consul-General of these States, at Paris, with the *arrêt* of his Most Christian Majesty confirming the privileges which the ports of Dunkirk and Marseilles have for some time enjoyed, and for establishing l'Orient and Bayonne as free ports.

Two from the Financier-General and Mr. Purnel, on the subject of the recovery from individuals of debts due, and effects belonging to the United States. I thought it my duty to inform Mr. Morris that such provision had been made by the Legislature of this State, and that Congress had been furnished with the

same; in consequence thereof I received his answer of the 14th of June last.

One of the 21st of last month from the State Treasurer, resigning his appointment, under a late law to issue a certificate for interest due on monies loaned, and liquidated debts. I have been informed by that gentleman that he cannot transact the business, no provision being made for a clerk, either by Congress or the Legislature; and lest the good people of the State might be injured, I wrote Mr. Morris on the subject, in order that that objection might be speedily removed. By his answer, of the 12th instant, you will perceive the business is yet at a stand, and as the County Collectors are now in the execution of the duty assigned them, unless the Legislature adopt some mode for certificates to issue, the taxables who are entitled to them will be more distressed in payment of their taxes than is just, or was expected by the late General Assembly.

Gentlemen—As the public dispatches now laid before you will demand but a small share of your time, the remainder of it, I am convinced, will be devoted to an attention to the necessary and important objects of the internal concerns of the State. Among the many interesting matters which will claim your attention, I shall only point out the following: a law for establishing a militia within this State, which is the most natural and secure defence of a free republic, and is with great propriety and justness of sentiment proposed and urged by our late worthy Commander-in-Chief in his memorable valedictory address; a proper regulation for the encouragement and introduction of trade; a law providing for the naturalization of foreigners who may come among us; a more adequate provision to secure the inhabitants of the State from injury by sickly crews being landed; an amendment to the present mode of taxation; a regulation of water grist-mills, and a revision and publication of the laws of the State.

NICHOLAS VANDYKE.

Dover, October 23, 1784.

Adjourned to ten o'clock to-morrow morning.

FRIDAY, October 29th, A. M.

Council met. Present all the members.

Mr. Bradley, a member of the House of Assembly, attending, was admitted and delivered to the Chair a resolution of that House signifying their intention to adjourn to-morrow evening to some future day.

The committee appointed to prepare amendments to the supplementary bill to the act entitled "An act for the more easy and speedy recovery of small debts," now reported that they had essayed a draught of sundry amendments to the said supplementary bill, which they laid on the table and submitted to the consideration of the House.

On motion, ordered that the said amendments be read; which was done accordingly.

On the question, "Whether the enacting clause in the amendment that the fees of office should be applied to the use of the poor in the respective hundreds where the Justice resides?" it passed in the affirmative.

On motion, the yeas and nays on the foregoing question were ordered, and are as follows:

For the affirmative—Mr. Neill, Mr. William Polk, Mr. Bassett, Mr. J. Polk, Mr. Loockerman.

For the negative—Mr. Read, Mr. Craghead, Mr. Snow.

The several amendments reported by the committee being agreed to, ordered that they be transcribed.

Adjourned to 4 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion,

Ordered, That Mr. Craghead wait on the House of Assembly and deliver the supplementary bill to the act for the more easy and speedy recovery of small debts, with the paper of amendments proposed thereto by the Council, for the concurrence of that House.

Mr. Craghead, being returned, reported that he had delivered the said bill and amendments of Council according to order.

On motion, ordered

That the bill entitled "An act to increase the daily allowance to Grand and Petit Jurors," should have a second reading, which was done accordingly, and is referred to further consideration.

On motion,

The bill entitled "An act for the relief of Bertles Shea, a languishing prisoner in the jail of Kent County," was read a second time, and some amendments being proposed and made at the table, on motion,

Ordered, That Mr. Wm. Polk wait on the House^d of Assembly with the said bill and amendments, for concurrence of that House.

Mr. Smith, a member of the House of Assembly, attending, was admitted and delivered to the Chair a letter from Samuel Patterson, Esq., resigning the office of Continental Loan Officer for the Delaware State; resolutions of the House of Assembly respecting the issuing certificates for interest due on Continental Debts; a resolution for the payment of £3 to William Manlove, reported to be due to him by the Auditor for a musket and cartooch box; which, by order, were severally read. The resolutions, founded on the letter above mentioned, are as follows:

IN THE HOUSE OF ASSEMBLY,

FRIDAY, A. M., October 29, 1784.

WHEREAS it appears by letter from Samuel Patterson, Esq., the Continental Loan Officer of this State, that he desires leave to resign the trust assigned to him by an act of the Assembly of this State, entitled, "An act for raising twenty-three thousand six hundred and twenty-five pounds for the service of the year one thousand seven hundred and eighty-four," so far as the same relates to giving certificates for interest due on monies loaned to Congress and liquidated debts against the United States, which which resignation the General Assembly cannot accept; but, in order to make the business as easy to Mr. Patterson as the nature of it will admit, and to accommodate it to the ease and convenience of the inhabitants of the several counties of this State,

Resolved, That Samuel Patterson, Esq., Continental Loan Officer of this State, be, and he is hereby requested to appoint a deputy in each of the Counties of Kent and Sussex; which deputies, when so appointed, are hereby declared to have the same powers to issue such certificates in the name of the said Samuel Patterson, as the said Samuel Patterson hath by the above recited act of Assembly.

That the said Samuel Patterson transmit to his said deputies in the Counties of Kent and Sussex, true copies of his instructions from the Superintendent of the Finances of the United States, on the subject of issuing the certificates for interest due as aforesaid, together with a written form of such certificates, for their government and direction in performing that business.

That in case the United States, in Congress assembled, do not make a reasonable compensation to the said Samuel Patterson and his deputies, for their trouble in performing the aforesaid service, that this State will make such compensation for the same as the General Assembly shall deem reasonable and just.

JAS. BOOTH, *Cl'k of Assembly*.

Sent for concurrence.

Adjourned to ten o'clock to-morrow morning.

SATURDAY, October 30th, A. M.

Council met. Present all the members.

Mr. William Polk reported having delivered the bill for the relief of Bertles Shea to the House of Assembly according to order.

Mr. Revell, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill entitled "A supplement to the act for the more easy and speedy recovery of small debts," with the amendments proposed by Council thereunto, and to many parts of which the House of Assembly had disagreed, and amendments proposed by the House of Assembly to those of Council.

On motion, Council resumed the consideration of the bill for enlarging the allowance to the Grand and Petit Jurors, and after some time spent therein, the same is referred to further consideration.

The letter from Samuel Patterson, Esquire, Continental Loan Officer, with the resolutions of the House of Assembly thereupon, were, by order, read the second time.

On motion, the question was put, "Shall the resolutions of the House of Assembly, founded on the letter of Samuel Patterson, Esq., be rejected?" and it passed in the affirmative unanimously.

On motion, ordered,

That a committee of three be appointed to propose certain resolutions of Council respecting the subject of the letter of Samuel Patterson, Esq.

Whereupon Mr. Bassett, Mr. Read, and Mr. Snow are appointed a committee for that purpose.

Council then took into consideration their amendments on the supplementary bill, &c.

On motion, the yeas and nays on the last clause but one in the supplementary bill to the act for the more easy and speedy recovery of small debts, concerning the duties of the Justices on

the said supplementary bill being done without fee or reward, the same were ordered, and are as follows:

For the affirmative—Mr. Neill, Mr. W. Polk, Mr. Loockerman and Mr. Bassett.

For the negative—Mr. Read, Mr. Craghead, Mr. Snow and Mr. J. Polk.

And Council being thus divided on the question, the Speaker gave his voice in the affirmative, and it passed that the said clause should be retained.

Adjourned to 3 o'clock, P. M.

SATURDAY, October 30th, P. M.

Council met. Present all the members.

On motion, ordered,

That Mr. Neill wait on the House of Assembly with the supplementary bill to the act for the more easy and speedy recovery of small debts, with the amendments of Council, which had been returned by that House, many of them disagreed to by the same, and the amendments proposed by the Assembly to those of the amendments of Council, and inform the House of Assembly that Council adhered to their several amendments, except the last, from which they had receded, and that Council disagreed to the amendment of the House of Assembly on one of the amendments proposed by Council.

Mr. Neill, being returned, reported that he had delivered the bill and amendments last mentioned to the House of Assembly, according to order.

On motion, the report of the Auditor of Accounts respecting the sum of £3 being due to William Manlove, and the resolution of the House of Assembly thereon, was read a second time and concurred in by Council.

Ordered, That the Speaker sign the order drawn in favor of said William Manlove, sent with the above mentioned papers; which was done accordingly.

On motion, ordered,

That Mr. Snow deliver the said order to the House of Assembly; who, being returned, reported that he had delivered the same according to order.

Mr. Broom, a member of the House of Assembly, attending, was admitted and delivered to the Chair the supplementary bill to the act for the more easy and speedy recovery of small debts, with the amendments returned to that House and adhered to by Council, with a paper of a further amendment proposed by the Assembly, and a verbal message, which, being read, follows in these words:

A VERBAL MESSAGE TO THE COUNCIL FROM THE HOUSE OF
ASSEMBLY.

Gentlemen :

This House have fully considered the amendments proposed by your honorable House to the supplementary bill for the more easy and speedy recovery of small debts, and still continue to reject such of the said amendments as were before disagreed to by this House and adhered to by the Council, and have also proposed a further amendment. This we have done upon full conviction that acceding to those amendments will not be productive of utility in framing the bill; and altho' we conceive this law to be a very beneficial one, and much desired by our constituents, yet, if the Council cannot recede from the aforesaid amendments, we can only lament the loss of an act salutary to the good people of this State.

Upon reconsideration of Council on their amendment on the quantum of the sum from ten to twelve pounds in the said supplementary bill mentioned, the Council, on the question, receded from their amendment thereon, but adhered to the other several amendments by them proposed.

On motion, the question was put, "Shall a committee be appointed to prepare and bring in a message to the House of Assembly, therein giving the reasons of Council for their ad-

herence to the several amendments proposed by them to the supplementary bill last mentioned, except that receded from by Council?" It was carried in the affirmative.

Committee: Mr. Bassett, Mr. Wm. Polk, and Mr. Neill.

Mr. Read craved leave of absence after this evening, which is granted.

The committee appointed to prepare and bring in certain resolutions concerning the resignation of Samuel Patterson, Esq., of his office of Continental Loan Officer of this State, now reported that they had essayed a draught for that purpose, which they submitted to the correction of the House.

On motion, ordered that the same be read.

By special order, the same was read a second time, agreed to, and ordered to be transcribed, and sent to the House of Assembly for concurrence.

The report aforesaid being transcribed and compared, ordered that Mr. Neill wait upon the House of Assembly therewith; who, being returned, reported he had delivered the same according to order.

Mr. Douglass, a member of Assembly, attending, was admitted and delivered to the Chair the bill for the relief of Bertles Shea, to which that House had agreed, with the amendments proposed by Council, with a resolution to affix the Great Seal thereunto, to which Council concurred, and the Speaker, by order, signed the said bill.

Mr. Taylor, a member of Assembly, attending, was admitted and delivered to the Chair the report of the committee of Council on the letter of General Patterson, disagreed to by that House.

The committee appointed to prepare a message from the Council to the House of Assembly, assigning their reasons for adhering to their amendments proposed to the supplementary bill to the act for the more easy and speedy recovery of small debts, now reported that they had essayed a draught for that purpose, which they submitted to the correction of the House.

Ordered that the same be read; which was done accordingly;

and after some amendments, was agreed to, and ordered to be transcribed.

The transcribed message was read and compared, and ordered to be signed by the Speaker.

Before any further proceedings could be had, notice was given that the House of Assembly had adjourned to the first Monday in January.

MINUTES OF COUNCIL.

JAN.--OCT., 1785.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

MONDAY, 3d January, 1785.

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Friday, the 7th of the same month, when there appeared, as follows:

For New Castle County—Thomas McDonough, Speaker, Geo. Craghead.

For Kent County—Richard Bassett, Vincent Loockerman, Silas Snow.

On motion, ordered,

Upon the question, that the message to the House of Assembly that was prepared by Council on the close of the last sitting, and could not be delivered on account of the sudden adjournment of that House, should be sent on the first meeting of that House, together with the bill on which the subject matter of that message is founded, and the amendments proposed by Council thereto, &c.

Ordered, That Mr. Snow deliver the same.

On motion, for leave to bring in a bill for reviving an act of Assembly of the late Government entitled "An act for the appointment of rangers and regulating strays," as the same has been some time expired, and had been beneficial heretofore to the good people of this State.

Ordered, upon the question, that leave be given to bring in such a bill.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present same members.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, January 8th, A. M.

Council met. Present the same members.

A bill entitled "An act for reviving an act entitled 'An act for the appointment of rangers and regulation of strays,'" was now delivered to the Chair, and, by order, read the first time.

Ordered to lie on the table.

On motion, the bill concerning rangers and strays, was read a second time.

Ordered, That the said bill be passed, transcribed and sent to the House of Assembly, for concurrence, and that Mr. Craghead deliver the same.

Adjourned to Monday morning, 10 o'clock.

MONDAY, January 10th, A. M.

Council met. Present the same members.

Mr. Craghead now informed Council that he had delivered the bill concerning rangers and strays to the House of Assembly, agreeable to order.

Mr. Snow also reported that he had delivered to the Speaker of the House of Assembly, on Saturday last, the papers committed to his charge, that House being not competent to do business at that time for want of a sufficient number to form a quorum.

On motion being made and seconded, that leave be given to bring in a bill obliging executors to give security for the faithful performance of the trust in them reposed, and upon the question, it passed in the affirmative.

Mr. Bassett therefore laid on the table a bill for that purpose.

Ordered that the same be read; which was done accordingly, and laid on the table.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, January 11th, A. M.

Council met. Present the same members, and Mr. William Polk, who appeared at this meeting.

On motion, a petition, signed by Simon Wilmer Wilson and Peter Barclay Ferry, representing the injury they had sustained by the capture of a schooner, part whereof belonged to them, and of the great expense by them incurred in paying the salvage to those who had afterwards retaken her, &c., and desiring relief in

the premises, accompanied with their accounts of expenditures on that occasion, and the Auditor's report thereon, were read the first time.

Ordered to lie on the table.

On motion, a remonstrance, signed by John Baning, Treasurer of Kent County, representing that in consequence of certain resolutions of the General Assembly of the 9th April, 1784, for the payment of one year's interest due on the certificates of the officers, non-commissioned officers and soldiers of the Delaware Regiment, the officers of the Hospital and Medical Departments, and such other officers, non-commissioned officers and soldiers as are credited to this State in its quota of land forces, and others, that the same resolutions directed and empowered the President and Commander-in-Chief to draw his order on the State Treasurer for the payment of £7500 to the Treasurer of New Castle County, for the sum of £4000 to the Treasurer of Kent County, and for the sum of £1500 to the Treasurer of Sussex County, to enable them to discharge the public debts due as aforesaid; in consequence of which the President did draw an order, bearing date the 21st of April last, on the said State Treasurer for the payment of £4000 of the public money in his hands to the remonstrant, John Baning, Treasurer as aforesaid, to be applied according to the directions of the General Assembly, in their resolutions aforesaid.

That the remonstrant did not think it necessary to demand of the State Treasurer actual payment of the money mentioned in the said order of the President, as he presumed he should receive of the collectors of the different Hundreds of his County public money of their collections sufficient to discharge the debt aforesaid as fast as they should be demanded and that he has found in the actual performance of the duty enjoined him his presumption well grounded.

That the remonstrant did, immediately on the receipt of the said order and resolutions, begin and hath continued to pay the several public debts aforesaid, in the order prescribed by the said resolutions, out of the several collections paid into the Treasury, until the receipt of a letter from Samuel Patterson, Esq., State Treasurer, dated the 5th December last, requiring the remonstrant, in the most peremptory and authoritative manner, not to pay or discount any debts without his particular order.

That by reason of this *mandate* of the State Treasurer the remonstrant conceives he cannot safely continue to pay the residue of the said £4000 according to the resolutions aforesaid, nor answer any order or warrant of the General Assembly, or Commander-in-Chief, for the payment of money, unless the same shall be approved of and an order for the payment of the sums therein mentioned indorsed thereon by the said State Treasurer, as it must be presumed, from adverting to this prohibition, the said Samuel Patterson, the present State Treasurer, will not allow the remonstrant credit for such payments on the settlement of his accounts with him, and humbly praying the General Assembly to take his case into their serious consideration and provide ways and means to indemnify him for the payments he has already made in strict pursuance of the aforesaid resolutions, and give him their advice and direction how he is to demean himself in future, as County Treasurer, in respect to orders drawn upon him for the payment of money, either by the General Assembly, the Commander-in-Chief, or any other person or persons whatsoever, under color of any law now in force, except such orders as are drawn upon him by the said Samuel Patterson, as he has reason to apprehend that the payment of any others besides the latter will not be allowed to the credit of his accounts on settlement with the said Samuel Patterson.

Which remonstrance was accompanied with the resolutions of the General Assembly and the letter of Samuel Patterson above mentioned, and were severally read.

Ordered to lie on the table.

Council adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members who appeared in the morning, except Mr. Bassett, who had been in the House before the calling thereof, and had leave of absence for a few hours.

On motion, the bill for raising the allowance of Grand and Petit Jurors, which was left under consideration at the last sitting of the General Assembly, was now again read.

Ordered to lie on the table.

Adjourned to ten o'clock to-morrow morning.

WEDNESDAY, January 12th, A. M.

Council met. Present the same members, and took into consideration the petition of Simon Wilmer Wilson and Peter Barclay Ferry, and the papers which accompanied it, and after some time spent therein, ordered, upon the question, that the said papers be delivered to the petitioners, and that they apply to Mr. Winder, and make such proofs to him of the justice of their claim as may be in his power.

On motion, the proposals of the House of Assembly for appointing conferees on the subject matter of the amendments to the supplementary bill to the act entitled "An act for the more easy and speedy recovery of small debts," which had been delivered to one of the members of Council in the evening of yesterday after Council had adjourned, by Mr. James, a member of Assembly, was now read, and follows in these words, viz:

IN THE HOUSE OF ASSEMBLY,

TUESDAY, P. M., Jan. 11th, 1785.

The House resumed the consideration of the bill entitled "A supplementary act to the act entitled 'An act for the more easy and speedy recovery of small debts,' " with the amendments proposed thereto and undetermined; and thereupon

Resolved, That it be proposed to the Council that a committee of conference be appointed by each House to confer on the subject matter of the said amendments.

The conferees appointed on the part of this House are: Mr. Peery, Mr. Bedford, and Mr. Raymond.

Extract from the minutes.

JAS. BOOTH, *Cl'k of Assembly.*

“Sent for concurrence.”

Which being read and agreed to by Council, the following gentlemen were appointed conferees on the part of the Council, to wit: Mr. Bassett, Mr. Craghead, and Mr. Snow; who are to meet the conferees on the part of the House of Assembly at any time and place that is most agreeable to them.

Ordered, That Mr. William Polk wait on the House of Assembly and return the proposals of that House respecting the appointment of conferees on the subject matter of the supplementary bill to the act for the more easy recovery of small debts, with the appointment of conferees on the part of the Council on that business.

Mr. Polk, being returned, reported that he had delivered the paper committed to his charge to the House of Assembly, agreeable to order.

On motion, ordered,

That the bill entitled “An act to increase the daily allowance of Grand and Petit Jurors,” should be read by paragraphs, in the course of which sundry amendments were proposed and agreed to by Council.

Ordered, That the said bill, with the amendments proposed by Council, should be sent to the House of Assembly for concurrence.

Ordered, That Mr. Loockerman wait on the House of Assembly with the bill and amendments, &c.

On motion, ordered,

That the bill obliging executors to give security for the faithful performance of the trust in them reposed, be read a second time; which was done accordingly.

On motion, and by order, the said bill was read the third time, by paragraphs, passed the House, is ordered to be transcribed, and sent to the House of Assembly for concurrence.

Council adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

Mr. Loockerman reported that he had delivered the bill and amendments committed to his charge to the House of Assembly.

On motion, for leave to bring in a bill to empower the President or Commander-in-Chief of this State to commissionate some proper person in the commission of the peace as President of the several Courts of Quarter Sessions of the Peace within this State, and for other purposes, therein mentioned, the same is granted, and Mr. Craghead therefore delivered at the table a bill for the purpose aforesaid.

On motion, ordered that the same be read; which was done accordingly.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, January 13th, A. M.

Council met. Present the same members.

The committee appointed to confer with a committee of the House of Assembly on the subject matter of the amendments proposed by Council to the supplementary bill to the act for the

more easy and speedy recovery of small debts, do now report, that they had met the committee of the Assembly and come to an agreement as to several of the amendments, and had referred the residue to another conference.

Mr. Mitchell, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act to enable the owners and possessors of the meadow, marsh and cripple on Cedar Creek, in Red Lyon Hundred, in the County of New Castle, to erect a new bank in part and to keep the residue of the old bank, &c., in repair," accompanied with a petition of the owners thereof, and sundry advertisements giving notice of this application, &c.

The bill for obliging executors to give security, &c., being transcribed and compared,

Ordered, That Mr. Snow wait on the House of Assembly and deliver the same;

Who, being returned, reported he had delivered it to the Speaker, the House being not sitting.

Mr. Broom, a member of Assembly, attending, was admitted and delivered to the Chair the bill to increase the daily allowance of Grand and Petit Jurors, with the amendments proposed by the Council thereto, all of which the House of Assembly had agreed to, except the 7th, to which the House of Assembly proposed an amendment and an additional clause for the limitation of the said bill to three years, and from thence to the end of the next sitting of Assembly, and no longer.

The amendments of the House of Assembly to the amendments of the Council being read, Council agreed to the same, except the first, to which they adhered.

Ordered, That Mr. William Polk deliver the same to the House of Assembly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

The petition of divers inhabitants of Red Lyon Hundred, in the County of New Castle, owners of Cedar Creek Meadows, accompanied with a bill entitled "An act to enable the owners and possessors of the meadow, marsh and cripple on Cedar Creek, in Red Lyon Hundred, in the County of New Castle, to erect a new bank in part and keep the residue of the old bank, &c., in repair," and sundry advertisements, giving notice of the intended application to the General Assembly, and affidavits of their having been put up in due time, were read.

Mr. Polk, being returned, informed Council he had delivered the papers committed to his charge to the House of Assembly, according to order.

On motion,

Ordered, That Mr. Craghead wait on the House of Assembly with the remonstrance of John Baning, Treasurer of Kent County, and the papers accompanying the same;

Who, being returned, reported that he had delivered the same according to order.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, January 14th, A. M.

Council met. Present the same members.

On motion, by order,

The bill empowering the President or Commander-in-Chief to commissionate some proper persons to preside in the several

Courts of Quarter Sessions of the Peace in the respective Counties in this State, and for other purposes therein mentioned, was read the second time.

Ordered to lie on the table.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, ordered,

That the bill entitled "An act to empower the President to appoint suitable persons to preside in the several Courts of General Quarter Sessions of the Peace in this State," was read by paragraphs, after sundry amendments agreed to by Council therein, and the questions being severally put, it passed the House.

Ordered to be transcribed and sent to the House of Assembly for concurrence.

A petition, signed by the Rev. Sydenham Thorne, a clergyman of the Protestant Episcopal Church, and an inhabitant of Sussex County, complaining of his being taxed in that county, contrary to usage and custom, all other clergymen having been exempted from taxation, and praying relief in the premises, was read the first time.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, January 15th, A. M.

Council met. Present the same members.

The bill entitled "An act to empower the President to appoint suitable persons to preside in the several Courts of General Quarter Sessions of the Peace in this State," being transcribed and compared, on motion,

Ordered, That Mr. William Polk wait on the House of Assembly therewith.

Mr. Broom, a member of Assembly, attending, was admitted and delivered to the Chair a message from the President, accompanied with a letter from Captain William McKennan to him, a certificate of monies advanced the Delaware Regiment by the State of Delaware for the year 1781, with a resolution of the House of Assembly in favor of Capt. McKennan, sent for concurrence.

Ordered that the above papers be read; which was done accordingly, and the resolution follows in these words:

IN THE HOUSE OF ASSEMBLY,

SATURDAY, Jan. 15th, 1785.

The House took into consideration the letter from Captain McKennan, of the 29th of October last, with the papers inclosed, and thereupon

Resolved, That Captain William McKennan be entitled to receive the pay and emoluments of a captain during the time he was employed in obtaining and distributing the final settlement certificates of the pay of officers and soldiers of the Delaware Regiment, and that the Auditor be directed to settle the same and report to the General Assembly the sum due.

Extract from the minutes.

Sent for concurrence.

JAS. BOOTH,

Cl'k of Assembly.

Mr. Neill, a member of Council, now appeared in the House and informed them he had been very unwell, which had occasioned his not attending sooner, and therefore hoped the excuse of Council, which is accepted.

Mr. Polk, being returned, reported that he had delivered the bill committed to his charge to the House of Assembly, according to order.

By special order, the resolution of the House of Assembly respecting Capt. McKennan, was read a second time and concurred in.

Ordered, That Mr. Snow wait on the House of Assembly and return the same;

Who, being returned, reported that he had delivered the paper committed to his charge, according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, and adjourned to Monday next at 10 o'clock, A. M.

MONDAY, January 17th, A. M., 1785.

Council met. Present the same members, except Mr. Neill, who is indisposed.

Mr. James, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for establishing a Militia."

On motion, by order, the said bill was read the first time.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, January 18th, A. M.

Council met. Present the same members as yesterday.

The Speaker presented to Council a letter directed to him from William Millan, representing that he had Charles Gordon's obligation for £15 : 9, that he had delivered the same to William McClay, which has been since lost; that Charles Gordon's estate was confiscated and sold for the purpose of paying his debts, and the residue for the use of the State; that the amount of the sale of said estate is lost by the failing of Continental money; that he conceives he ought to be paid the principal and interest of his bond by this State, the amount of which, as by his account now exhibited, is £22 : 17.

On motion, by order, the said letter and accounts were read.

Ordered to lie on the table.

On motion, by order,

The bill entitled "An act for establishing a Militia," was read a second time.

Ordered to lie on the table.

Mr. Nixon, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act to appoint suitable persons to preside in the several Courts of General Quarter Sessions of the Peace in this State," with some amendments proposed by that House to the same.

On motion, by order, the amendments proposed by the House of Assembly to the last mentioned bill were read.

Mr. Broom, a member of Assembly, attending, was admitted and delivered to the Chair resolutions of that House respecting an allowance to the Delegates in Congress, which, on motion, by order, were read, and follow in these words, viz :

IN THE HOUSE OF ASSEMBLY,

MONDAY, January 17th, 1785.

WHEREAS it becomes the duty of the Legislature to provide for the support of the Delegates from this State to the Congress of the United States in a manner suitable to the honor and dignity of their station; therefore

Resolved, That each of the Delegates from this State to the Congress of the United States, for the present year, be allowed the sum of forty shillings for every day he has attended, or shall attend in Congress, or any committee thereof, and also the same sum per day for traveling charges in going thereto, and returning therefrom.

Resolved also, That the Speakers of both Houses, or, in the recess of the General Assembly, the President or Commander-in-Chief of this State, upon each Delegate's producing an account of his attendance, be and are hereby authorized to draw an order on the State Treasurer indorsed on such account, for the payment of the same; which account, with the order and receipt, shall be a sufficient voucher for the Treasurer in the settlement of his accounts.

JAS. BOOTH, *Cl'k of Assembly*.

Sent for concurrence.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, by order,

The resolutions of the House of Assembly ascertaining the allowance per day of the Delegates to Congress from this State to the United States, were read a second time, in the course of which reading some amendments were proposed and made there-to by Council.

On motion,

Ordered, That Mr. William Polk deliver the amendments to the House of Assembly;

Who, being returned, reported he had delivered the same.

On motion, by order, the amendments proposed by the House of Assembly to the bill entitled "An act to empower the President to appoint suitable persons to preside in the several Courts of Quarter Sessions of the Peace," were taken into consideration and severally agreed to, and the bill ordered to be engrossed.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, January 19th, A. M.

Council met. Present the same members as yesterday.

The engrossed bill, entitled "An act to empower the President to appoint suitable persons to preside in the several Courts of General Quarter Sessions of the Peace in this State," with the amendments proposed by the House of Assembly, and agreed to by Council, was now read and compared.

Ordered, That Mr. Craghead wait on the House of Assembly with the same;

Who, being returned, reported he had delivered the bill and amendments committed to his charge, according to order.

Mr. Raymond, a member of Assembly, attending, was admitted and delivered to the Chair the resolutions of that House respecting the allowance to the Delegates from this State to the United States in Congress, with the amendments proposed by Council thereunto, to two of which the House of Assembly had agreed, and to the other, with respect to increasing the daily allowance from 40s. to 45s., that House had disagreed; also a report of the Auditor of Accounts on the resolutions of the General Assembly respecting the claim of Capt. William McKennan; which report follows in these words, viz:

The Auditor of Accounts being unprovided with the late resolutions of Congress for settling the accounts of the Army, has availed himself of the best information in his power to procure at present, and thereupon begs leave to make the following report, viz: That there is due to Captain William McKennan, for his pay and subsistence, and forage for his horse, for eight months, fifteen days, the time he charges to have been employed in obtaining and distributing final settlement certificates of the pay of the officers and soldiers of the Delaware Regiment, the sum of one hundred and eighty-four pounds, seventeen shillings and six pence.

January 18th, 1785. E. McCOMB, *Auditor of Accounts*.

In the House of Assembly, Wednesday, A. M., Jan. 19, 1785, read and agreed to.

JAMES BOOTH, *Cl'k of Assembly*.

In Council. Read and concurred in.

JAMES SYKES, *Cl'k Leg. Council*.

Council resumed the consideration of the bill entitled "An act for establishing a Militia," and after some time spent therein is referred to further consideration.

On motion, by order, on reading the amendments of Council to the resolutions of Assembly respecting the daily allowance of

the Delegates in Congress from this State, upon the question, "Do Council rescind their amendment thereto concerning the increasing the daily allowance therein mentioned?" it passed in the affirmative, and Council concurred in the said resolutions.

On motion,

Ordered, That Mr. Loockerman wait on the Assembly with the several papers delivered to Council by Mr. Raymond, to which Council had agreed, and also deliver at the same time William Millan's letter, with its inclosures, to that House.

Mr. Loockerman, being returned, reported that he had delivered the papers committed to his charge, according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Broom, a member of Assembly, attending, was admitted and delivered to the Chair a resolution of that House for drawing an order in favor of Capt. William McKennan, agreeable to the report of the Auditor of Accounts, with the order drawn by that House; which, by order, being read and concurred in, follows in these words, viz:

IN THE HOUSE OF ASSEMBLY,

WEDNESDAY, January 19, 1785.

On motion,

Resolved, That the Speakers of both Houses draw an order on the State Treasurer for the payment of one hundred and eighty-five pounds seventeen shillings and six pence to William McKennan, agreeable to the Auditor's Report, confirmed this day by the General Assembly.

JAS. BOOTH, *Cl'k of Assembly*.

Sent for concurrence.

Mr. Broom also delivered to the Chair an order, drawn by the House of Assembly, in favor of John Vining, Esq., one of the Delegates from this State to Congress, for the sum of £115 : 10, the amount of his account, as exhibited to the General Assembly, for his attendance in Congress the last year, and for the present year to this time; which, by order, was read and agreed to by Council.

Ordered, That the said orders be signed by the Speaker of Council; which was accordingly done.

Adjourned to 10 o'clock to-morrow morning,

THURSDAY, January 20th, A. M.

Council met. Present the same members as yesterday.

On motion being made and seconded, that leave be given to bring in a resolution of this House requiring and directing the members of Congress from this State, with all possible dispatch, to press Congress to form and recommend to the Legislature of this State what in their opinion may be a proper peace establishment, so as to form the Militia of the Union on a uniform, regular and respectable footing, which is granted; and Mr. Bassett laid a resolution on the table for that purpose, which, by order, was read, and follows in these words:

WHEREAS a well regulated Militia is and must be considered as the palladium of the security of our country, and the first effectual resort in case of hostility; and whereas to make it more useful and powerful it is necessary the same system should, as near as possible, pervade the United States, that the discipline of the Militia of the Continent may be uniform, and the same species of arms, accoutrements and military apparatus be introduced in every part of the United States; therefore

Resolved, That the delegates to Congress from this State be required and directed, with all possible dispatch, to press Congress to form and recommend to the Legislatures of the several

States what, in their wisdom, may be a proper peace establishment for the United States; in which, due attention, it is not doubted, will be paid by Congress to the importance of placing the militia of the Union upon a regular and respectable footing.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met and adjourned to 10 o'clock to-morrow morning.

FRIDAY, January 21st, A. M.

Council met. Present the same members as yesterday.

Council resumed the consideration of the bill entitled "An act for establishing a Militia." In the course of reading the same, by paragraphs, sundry amendments were proposed and agreed to as far as Section six. The further consideration thereof referred until the afternoon.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

The Council again resumed the consideration of the bill entitled "An act for establishing a Militia," from the sixth section, and some amendments were proposed to the seventh, eighth and ninth, which were agreed to by Council, the remaining sections of the said bill also agreed to.

Ordered, That the amendments be transcribed and sent to the House of Assembly for concurrence.

On motion, ordered,

That the resolution of Council respecting the directing the members of Congress from this State to press upon Congress the necessity of recommending to the several Legislatures of the United States what in their wisdom may be a proper peace establishment, &c., should be read; which was done accordingly, and agreed to by Council.

Ordered, To be transcribed and sent, with the above mentioned bill, to the House of Assembly.

On motion, for leave to bring in a bill as a supplement to "An act for the better regulation of servants and slaves, &c.," the same is granted, and Mr. Snow delivered a bill on the table, which, by order, was read the first time.

Ordered to lie on the table.

Ordered, That Mr. William Polk wait on the House of Assembly with the resolution drawn in favor of Capt. McKennan.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, January 22d, A. M.

Council met. Present the same members as yesterday.

The amendments to the bill for establishing a Militia, being transcribed, were compared, also the resolution directing the members of Congress from this State to press upon Congress the forming and recommending to the several Legislatures of the United States a proper peace establishment, &c.

Ordered, That Mr. William Polk wait on the House of Assembly with these papers, together with the bill for establishing a Militia.

Mr. Polk, being returned, reported that he had delivered to the House of Assembly the papers now committed to his charge, and also the resolution in favor of Capt. McKennan, which was committed to him yesterday in the afternoon.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

Mr. Nixon, a member of Assembly, attending, was admitted and delivered to the Chair an engrossed bill entitled "A supplementary act to the act entitled 'An act for the more easy and speedy recovery of small debts,' " with the original draught; the engrossed bill entitled "An act to empower the President to appoint suitable persons to preside in the several Courts of General Quarter Sessions of the Peace in this State;" and the engrossed bill entitled "An act to increase the daily allowance of Grand and Petit Jurors and Witnesses," signed by the Speaker of the House of Assembly; which were severally compared.

Mr. Nixon also delivered to the Chair a bill for destroying the Bills of Credit emitted by virtue of any law of this State; a bill for the support of non-commissioned officers, private soldiers, &c., disabled in the course of the late war.

On motion, by order, the said two last mentioned bills were read the first time.

Ordered to lie on the table.

Adjourned to 10 o'clock on Monday morning.

MONDAY, January 24th, A. M.

Council met. Present all the members, as Mr. Read and Mr. Joshua Polk now appeared in the House and severally informed Council—the former, that at the time of the first meeting of the Council the weather was so extremely severe that he could not, in his state of health, venture abroad; that the week following some very urgent and indispensable business intervened, which detained him; the latter, that his absence was occasioned by the illness of his wife and his own indisposition. Both of the gentlemen's reasons are admitted, and they stand excused.

On motion, by order, the several engrossed bills last mentioned were signed by the Speaker.

On motion, by order,

The bill entitled "An act to enable the owners and possessors of the meadow, marsh and cripple on Cedar Creek, in Red Lyon Hundred, in the County of New Castle, to erect a new bank in part and to keep the residue of the old bank, &c., in repair," was signed by the Speaker.

Ordered, That Mr. Joshua Polk wait on the House of Assembly and deliver there the several bills signed by the Speaker.

On motion, by order,

The bill entitled "An act for the support of non-commissioned officers, private soldiers, warrant officers, marines, and seamen, citizens of this State, who, in the course of the late war, have been maimed, or disabled from getting a livelihood," was read a second time.

Ordered to lie on the table.

Mr. Joshua Polk, being returned, reported that he had delivered the bills committed to his charge, according to order.

On motion, by order,

The bill entitled "An act for calling in and destroying such of

the Bills of Credit, emitted by virtue of any law of this State passed under the present or former Government thereof, as are now outstanding, and for other purposes therein mentioned," was read a second time.

Ordered to lie on the table.

Mr. Waples, a member of Assembly, attending, was admitted and delivered to the Chair the bill for establishing a Militia, with the amendments proposed by Council to the same, to some of which the House of Assembly has disagreed.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, January 25th, A. M.

Council met. Present all the members.

On motion, by order, the petition from the Rev. Sydenham Thorne was read the second time.

Ordered to lie on the table for further consideration.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. All the members present.

Mr. Revell, a member of Assembly, attending, was admitted and returned to the Chair the bill entitled "An act to compel executors to give security for the faithful discharge of the duty reposed in them by their testator," with a paper of amendments proposed by that House.

On motion, by order, the amendments proposed to the said bill by the House of Assembly were read and disagreed to unanimously.

On motion,

Ordered, That Mr. Neill wait on the House of Assembly with the said bill, and the amendments of that House disagreed to by Council.

Mr. Neill, being returned, reported that he had returned to the House of Assembly the bill and amendments thereunto, proposed by that House, according to order.

The Council resumed the consideration of the amendments to the bill entitled "An act for establishing a Militia," to some of which the Assembly had disagreed, and after some time spent therein, the question was put, "Do Council adhere to their 7th amendment?" which is—in Section 7 and line 11 of the bill, after the words [provided with] insert the words [sufficient arms and accoutrements to enable him to be taught and instructed in his duty and exercise, to be adjudged of by the commanding officer present]—and the House being divided on this question, the Speaker gave his voice in the affirmative.

On motion, that the yeas and nays should be entered on this question, it was ordered accordingly, which are as follows:

For the affirmative—Mr. Read, Mr. Bassett, Mr. Snow, Mr. Loockerman.

For the negative—Mr. Craghead, Mr. Neill, Mr. J. Polk, Mr. W. Polk.

The whole of the amendments disagreed to by the House of Assembly were adhered to by Council, on the questions being severally put.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, January 26th, A. M.

Council met. Present all the members.

On motion,

Ordered, That Mr. Craghead wait on the House of Assembly and return the bill entitled "An act to establish a Militia," with the amendments of Council.

Mr. Waples, a member of Assembly, attending, was admitted and delivered to the Chair a petition, signed by a number of the inhabitants of Kent County, praying that an act of the General Assembly should pass to permit them to build a bridge across Mispillion Creek, at the upper landing on said creek, as the same would be of great advantage to the public, and that a considerable sum of money was subscribed for the same; also another petition, from divers inhabitants of Kent and Sussex Counties, against the prayer of the first, and a resolution of the House of Assembly appointing a committee upon the aforesaid petitions.

On motion, by order, the said petitions and resolution of the House of Assembly were read.

Mr. Craghead, being returned, reported that he had delivered the papers committed to his charge, according to order.

On motion, some amendments were agreed to to the resolution of the Assembly for appointing a committee on the above mentioned petitions, and being transcribed,

Ordered, That Mr. William Polk wait on the Assembly and deliver the same.

On motion, by order,

The bill entitled "A further supplement to an act entitled 'An act for the better regulation of servants and slaves,' " was read a second time. Referred to further consideration.

Mr. Polk, being returned, reported that he had delivered the papers committed to his charge, according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

Mr. Manny, a member of Assembly, attending, was admitted and returned to the Chair the resolution of the House Assembly respecting the appointment of a committee on the petitions concerning the bridge over Mispillion Creek, with the amendments of Council to which that House had agreed, which was concurred in by Council, and Mr. William Polk is appointed as one of the committee on the part of the Council; which resolution follows in these words:

IN THE HOUSE OF ASSEMBLY,

January 25th, 1785.

The House having taken into consideration the petition from divers inhabitants of this State, praying that a law be enacted for erecting a bridge over Mispillion Creek, near the upper landing on the said Creek,—and also the petition from divers inhabitants of the Counties of Kent and Sussex, praying that the waters of navigable creeks may not be obstructed by bridges being built over the same, and especially that no bridge may be permitted to be built over Mispillion Creek, near Oliver and Cropper's landing,

Resolved, That a committee of the General Assembly, consisting of three, be appointed, to whom the said petitions be referred, and who are hereby directed to go upon the premises aforesaid, and if, upon viewing the same, they shall be of opinion that a bridge erected over Mispillion Creek, as aforesaid, will be of public utility, they shall ascertain the place where, and the manner how, the same shall be erected; and that the said committee report their opinion thereon fully at the next sitting of the General Assembly.

The members appointed on the part of this House are Mr. Revell and Mr. Bradley.

Extract from the minutes.

JAS. BOOTH,

Sent for concurrence.

Cl'k of Assembly.

In the Legislative Council, January 26th, 1785, read and concurred in.

The member appointed on the part of the Council is Mr. William Polk.

JAMES SYKES, *Cl'k Leg. Council.*

On motion, Council took into consideration the bill entitled "An act for calling in and destroying such of the Bills of Credit, emitted by virtue of any laws of this State passed under the present or former Government thereof, as are now outstanding, &c.," and after some debate thereon, is referred to further consideration.

Adjourned to ten o'clock to-morrow morning.

THURSDAY, January 27th, A. M.

Council met. Present all the members, and resumed the consideration of the last mentioned bill, and, on motion, the question was put, "Shall the bill now under consideration be committed?" and it passed in the affirmative.

On motion, that the yeas and nays on this question should be entered, was ordered accordingly, and are as follows, to wit:

For the affirmative—Mr. Loockerman, Mr. Snow, Mr. Joshua Polk, Mr. W. Polk, Mr. Neill, Mr. Craghead.

For the negative—Mr. Read, Mr. Bassett.

On motion that the said bill shall be committed to a committee of three, the members appointed are: Mr. William Polk, Mr. Snow, and Mr. Craghead.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The committee to whom the last mentioned bill was committed, reported that they had made some progress therein, but required further time to perfect the same; which was granted.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, January 28th, A. M.

Council met. Present all the members.

Mr. Nixon, a member of Assembly, attending, was admitted and delivered to the Chair a resolution of that House for appointing a committee of conference on the bill for establishing a Militia.

Ordered to lie on the table.

Mr. Raymond, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for recovery of monies received under the late Militia law."

Ordered to lie on the table.

On motion, for leave to bring in a bill for vesting in Trustees, for the use therein mentioned, the title of the school house and lot whereon the same is erected, and an adjoining lot in the Town of Dover, the same is granted, and Mr. Bassett laid a bill on the table for that purpose.

Ordered to lie on the table.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion,

The bill entitled "An act for vesting the school house and lot of ground whereon the same is built, together with another lot of ground contiguous thereunto in the Town of Dover, in Trustees for the use therein mentioned," and the several papers referred to therein, were read the first time.

Ordered to lie on the table.

On motion, Council resumed the consideration of the bill entitled "An act for the support of non-commissioned officers, private soldiers, warrant officers, marines, and seamen, &c.," and sundry amendments were proposed and agreed to.

Ordered, That the amendments aforesaid be transcribed and sent to the House of Assembly for concurrence.

The gentlemen to whom the bill for destroying the Bills of Credit, &c., was committed, now reported that they had essayed sundry amendments to the same, which they laid on the table and submitted to the correction of the House.

Ordered that the same be read.

On motion, by order,

The bill entitled "A supplement to an act concerning servants and slaves," was read, by paragraphs, and upon the question on the enacting clause, "Do Council agree to the same?" it passed in the negative.

On motion, by order,

The resolution of the House of Assembly for appointing conferees on the subject matter of the amendments proposed by Council to the bill for establishing a Militia, was read, and follows in these words, viz:

IN THE HOUSE OF ASSEMBLY,

January 28th, 1785.

The House resumed the consideration of the amendments proposed to the bill entitled "An act for establishing a Militia," and thereupon

Resolved, That it be proposed to the Council that a committee be appointed by each House to confer on the subject matter of the said amendments.

The conferees appointed on the part of this House are: Mr. Peery, Mr. James, and Mr. Taylor.

Extract from the minutes.

JAS. BOOTH,

Sent for concurrence.

Cl'k of Assembly.

Concurred in by Council. Gentlemen appointed on the part of the Council: Mr. Snow, Mr. Neill, and Mr. Joshua Polk.

Ordered, That Mr. Bassett wait on the House of Assembly with the appointment of a committee upon the petitions for and against the building a bridge over Mispillion Creek, &c.; the resolution of Assembly for appointing conferees on the subject matter of the bill for establishing a Militia; the bill for the support of non-commissioned officers, private soldiers, &c., with the amendments proposed and agreed to by Council.

On motion, ordered

That Mr. William Polk wait on the House of Assembly with the following verbal message:

A VERBAL MESSAGE FROM THE COUNCIL TO THE HOUSE OF
ASSEMBLY.

That the Council request to know from the honorable House of Assembly, whether any reports have been made and returned to their House, in virtue of the act for stating the accounts of the several Loan-Offices, and of commissioners into whose hands any public monies have come by virtue of laws passed under the former government, &c., passed the 12th February, 1781; and if any such, the Council request, that the House of Assembly may order the same to be delivered to Council for their information as to parts of the bill, entitled, "An act for calling in and destroying

such of the bills of credit emitted by virtue of any law of this State, passed under the present or former government thereof, as are now outstanding, and for other purposes therein mentioned," sent up by the House of Assembly, and now before the Council for consideration and concurrence.

Adjourned to ten o'clock to-morrow morning.

SATURDAY, January 29th, A. M.

Council met. Present all the members.

Mr. Polk, being returned, reported he had delivered the verbal message, according to order.

On motion, by order,

The bill entitled "An act for vesting the school house and lot in the Town of Dover in Trustees, &c.," was read a second time. Ordered to be postponed.

Mr. Gordon, a member of Assembly, attending, was admitted and delivered to the Chair a return of the settlement of the Loan Office accounts of Kent and Sussex, accompanied with a verbal message, which follows in these words, viz:

A VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE
COUNCIL.

Gentlemen:

In answer to your verbal message, received this day, the House of Assembly inform the honorable the Council, that the committee appointed by the act of the twelfth of February, 1781, have reported their settlements of the Loan-Office accounts for the Counties of Kent and Sussex, but that no report respecting that business in the County of New Castle hath been received. The two reports that have been made, which are now sent to the Council for their information, have not been acted upon by this House.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion, by order,

The bill entitled "An act for destroying the Bills of Credit emitted by virtue of any law of this State, &c., with the amendments thereto agreed by the committee appointed for that purpose, were read, and after some time spent in the consideration thereof, is referred to three o'clock on Monday afternoon.

Mr. Smith, a member of Assembly, attending, was admitted and delivered to the Chair the bill for the support of non-commissioned officers, &c., with a paper of amendments proposed by the House of Assembly thereto.

Adjourned to 3 o'clock on Monday next, P. M.

MONDAY, January 31st, P. M.

Council met. Present all the members.

Agreeable to the order of the day, Council resumed the consideration of the bill for destroying the Bills of Credit emitted by virtue of any law of this State, &c., and the first enacting clause being read, as amended, the question was put, after the same had been debated, "Do Council agree to the same?" and it passed in the affirmative.

For the affirmative—Mr. Neill, Mr. William Polk, Mr. Joshua Polk, Mr. Craghead, Mr. Loockerman, and Mr. Snow.

For the negative—Mr. Read, Mr. Bassett.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, February 1st, A. M.

Council met. Present all the members, and resumed the consideration of the bill for destroying the Bills of Credit emitted by virtue of any law of this State, &c., and after some time spent therein, is referred till the afternoon.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members, and resumed the consideration of the last mentioned bill, and sundry amendments were proposed and agreed thereunto, and the further consideration thereof postponed until to-morrow morning.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, February 2d, A. M.

Council met. Present all the members, and resumed the consideration of the last mentioned bill; and the amendments, being transcribed, were compared, and the question was put, and the said bill is passed.

Ordered, That Mr. Neill wait on the House of Assembly with the said bill and the amendments of Council thereunto, for the concurrence of that House.

Mr. Bradley, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for the regulation of certain water grist-mills on Brandywine Creek, New

Castle County;" certain resolutions of that House for printing 400 copies of the Laws of this State, and a proposition for filling up the blank in the said resolutions with the names of George Read, William Killen, and James Booth, Esquires; which, by order, were severally read.

On application of Mr. William Polk for leave of absence the remaining time that Council may sit, the same is granted.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members, except Mr. William Polk.

Mr. James, a member of Assembly, delivered to the Chair a paper, sent from the House of Assembly, proposing to fill up the blanks in the bill for calling in and destroying the Bills of Credit, &c., with the names of John Stockton for New Castle County, Eleazar McComb for Kent County, and Joseph Hall for Sussex County, as Trustees of the respective Loan Offices; which, by order, was read.

On motion, by order,

The bill entitled "An act for the regulation of certain water grist-mills on Brandywine Creek, in New Castle County," was read a second time.

Referred under consideration until to-morrow morning.

Mr. Douglass, a member of Assembly, attending, was admitted and delivered to the Chair two reports of the Auditor of Accounts, the one of 26th, and the other of 27th January, with some amendments proposed by the House of Assembly to one of these reports; Mr. Henry Neill's accounts, and a resolution expressing the time of the intended adjournment of that House; which, by order, were severally read.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, February 3d, A. M.

Council met. Present the same members as yesterday.

Mr. Waples, a member of Assembly, attending, was admitted and delivered to the Chair a report of the Auditor of Accounts of this day.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, and went into the consideration of the resolution of the House of Assembly respecting the appointing of commissioners for collecting and printing the Laws of this State, and sundry amendments were agreed to, and George Reed and James Booth, Esquires, proposed as commissioners.

Ordered, That Mr. Neill wait on the House of Assembly with the above mentioned papers;

Who, being returned, reported he had delivered them, according to order.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, February 4th, A. M.

Council met. Present the same members as yesterday.

On motion, ordered,

That Mr. Craghead and Mr. Snow attend at the Auditor's office with the reports by him presented to the General Assembly, and there examine the vouchers in support of the charges therein reported, and make report of their proceedings to the Council.

The gentlemen, being returned, reported that they had attended at the Auditor's office, according to order, and had examined the vouchers respecting the reports of the sums due to the Whig Battalion, and of those concerning Mr. Neill's Battalion, for both which the vouchers were sufficient, and that they are properly chargeable to the United States; that with respect to the report there was sufficient vouchers for the several accounts therein exhibited by the Auditor.

Mr. Mitchell, a member of Assembly, attending, was admitted and returned the proposition for filling up the blank in the resolutions for printing the laws, disagreed to by the Assembly; also the resolutions thereon, and amendments of Council, to several of which the House of Assembly had disagreed.

Council took into consideration the bill for regulating the water grist-mills in the County of New Castle, and agreed to sundry amendments, which were transcribed and compared.

Ordered, That Mr. Joshua Polk wait on the House of Assembly and deliver the said bill, with the proposed amendments of Council thereunto.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, Council went into the consideration of the bill entitled "An act for the recovery of the monies received under the late Militia law of this State," and after some amendments made and agreed to, the same was transcribed.

Ordered, That Mr. Bassett wait on the House of Assembly with the last mentioned bill and amendments of Council;

Who, being returned, reported he had delivered them, according to order.

Mr. Broom, a member of Assembly, attending, was admitted

and delivered to the Chair a resolution for the payment of sundry debts; a resolution for the payment of 185 $\frac{6}{8}$ dollars to George Craghead, with a memorial of the said George Craghead, and a certificate, signed by Joseph Noarn, Register, specifying the said sum due to the said George Craghead, dated 8th December, 1781; which, by order, were severally read.

Ordered, That Mr. Snow wait on the House of Assembly with the resolutions of that House respecting the printing the Laws, with the further amendments proposed by Council thereunto, and the proposition for filling up the blank in said resolution with the names of the commissioners therein acceded to by Council;

Who, being returned, reported he had delivered the papers, according to order.

Mr. James, a member of Assembly, attending, was admitted and delivered to the Chair the bill for regulating water grist-mills in the County of New Castle, with the amendments of Council and some amendments proposed by the House of Assembly to those of Council, to which amendments of the Assembly Council agreed to. Sent to the Assembly by Mr. Neill.

Mr. Gordon, a member of Assembly, attending, was admitted and returned the resolution of that House for printing the Laws of this State, with amendments of Council sent to the House of Assembly, and a proposition for filling up the blank in said resolution with the names of the commissioners, to which amendments of Council the House of Assembly had agreed.

Mr. Clark, a member of Assembly, attending, was admitted and delivered to the Chair a report of the Auditor of Accounts, that there is due to James Wilson, Esq., of Philadelphia, for presenting this State's claim of the schooner Fortune before the Committee of Appeals appointed by Congress, the sum of £30; to William Clark, Esq., £1 : 3 : 11, for an order drawn by the Speaker of the House of Assembly on the State Treasurer, dated 16th April, 1780, for £51 Continental money.

Read and concurred in, and ordered to be signed by the Speaker.

On motion, Council took into consideration the accounts reported by the Auditor of the 27th January, 1785, and the amend-

ments proposed by the House of Assembly thereto, and agreed to the same, and the several accounts therein reported are agreed to.

Ordered, That Mr. Craghead wait on the House of Assembly with the general accounts of the Auditor, and their amendments thereto, and also deliver at the same time the Loan Office accounts of Kent and Sussex.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, February 5th, A. M.

Council met. Present the same members as on yesterday.

Mr. Nixon, a member of Assembly, attending, was admitted and delivered to the Chair the Auditor's general account, with the amendments proposed by that House thereto, and the amendments proposed by Council to the amendments of Assembly, which were agreed to by that House.

The several reports of the Auditor, and the resolutions of the House of Assembly thereupon, were now considered and agreed to.

Ordered, That the Speaker sign the same; which was accordingly done.

Ordered, That Mr. Craghead wait on the House of Assembly and return the above mentioned papers and the resolutions respecting the printing the Laws, as agreed to by Council;

Who, being returned, reported that he had delivered the papers according to order.

Mr. Peery, a member of Assembly, attending, was admitted and returned the papers last mentioned, sent to that House by Mr. Craghead, with the amendments proposed by Council to the resolution respecting the Clothier, which the House of Assembly had agreed to.

Ordered, That Mr. Loockerman wait upon the House of Assembly and return the above papers to that House;

Who, being returned, reported he had delivered the papers according to order.

Mr. James, a member of Assembly, attending, was admitted and delivered to the Chair a resolution of that House in the following words, viz:

IN THE HOUSE OF ASSEMBLY,

February 5, 1785.

On motion,

Resolved, That an order be drawn by the Speakers of both Houses on the State Treasurer for the payment of fifty pounds to his Excellency, the President, for defraying of his expenses during his attendance on the General Assembly now and heretofore.

JAS. BOOTH, *Cl'k of Assembly*.

Sent for concurrence.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, and went into the consideration of the resolutions of the House of Assembly respecting the payment of sundry debts due from the public, and sundry amendments were proposed and agreed to.

Ordered, That they be transcribed and sent to that House for consideration and concurrence.

Mr. Mitchell, a member of Assembly, attending, was admitted and delivered to the Chair the several bills passed at this sitting, signed by the Speaker of Assembly.

Ordered, That the three laws returned to Council be now signed by the Speaker; which was done accordingly.

Ordered, That Mr. Joshua Polk wait on the House of Assembly and return the resolutions of that House respecting the payment of certain public debts, with the amendments of Council thereto, and the resolution of the House of Assembly for the payment to his Excellency, the President, the sum of £50, which was agreed to by Council;

Who, being returned, reported he had delivered the papers committed to his charge, according to order.

Mr. James, a member of Assembly, attending, was admitted, and returned the resolutions of that House with respect to the payment of certain public debts, and the amendments of Council thereto, all of which were disagreed to, but the first.

Council proceeded to ballot for Trustees of the Loan Offices of the respective Counties in this State, in order to fill up the blanks in the bill for calling in and discharging the bills of credit, and upon casting up the polls it appeared that the following persons were chosen by a majority of votes, viz: For the County of New Castle, John Stockton; for the County of Kent, George McCall; and for the County of Sussex, Joseph Hall.

Ordered, That Mr. Craghead wait on the House of Assembly and return the resolutions of that House concerning the payment of certain public debts, with amendments of Council disagreed to by the Assembly and adhered to by Council; also an agreement of Council to the two persons proposed by that House for Trustees of the Loan Offices of New Castle and Sussex Counties, and proposition of George McCall, for Trustee of the Loan Office of Kent County; as also the several laws now passed, together with a resolution for affixing the Great Seal to the said laws, passed this sitting, the titles of which are as follows, viz:

First. "An act to empower the President to appoint suitable persons to preside in the several Courts of General Quarter Sessions of the Peace in this State;"

Secondly. "An act to increase the daily allowance to Grand and Petit Jurors and Witnesses;"

Thirdly. "A supplement to an act entitled 'An act for the more easy and speedy recovery of small debts;'"

Fourthly. "An act to enable the owners and possessors of the meadow, marsh and cripple, on Cedar Creek, in Red Lion Hundred, in the County of New Castle, to erect a new bank in part, and to keep the residue of the old bank, dams, sluices and flood-gates in repair, and to raise a fund to defray the expense thereof;"

Fifthly. "An act for the support of the non-commissioned officers, private soldiers, warrant officers, marines and seamen, citizens of this State, who, in the course of the late war, have been maimed, or disabled from getting a livelihood;"

Sixthly. "An act for calling in and destroying such of the Bills of Credit emitted by virtue of any law of this State, passed under the present or former government thereof, as are now outstanding, and for other purposes therein mentioned;"

Seventhly. "An act for the regulation of certain water grist-mills in New Castle County;"

Eighthly. "An act for the recovery of monies received under the late Militia law."

Also a verbal message, concerning the resolution aforesaid and the adherence of Council to their amendments to the same, which message follows in these words:

Gentlemen:

Council have adhered to their amendments proposed to your honorable House, and herewith returned, and should have assigned their reasons for the same, did time permit; but are doubtful, from the verbal message received this evening, that the House are not disposed to sit until the reasons actuating Council to propose and adhere to their amendments could possibly be stated on paper.

Who, being returned, reported that he had delivered the same according to order.

Mr. Peery, a member of Assembly, attending, was admitted and returned the proposition of George McCall for Trustee of the Loan Office of Kent County, disagreed to by that House, and proposing Simon Wilmer Wilson.

On motion, an order was drawn on the State Treasurer in

favor of George Craghead, Esq., for the sum mentioned in the resolution of Assembly, concurred in by Council, and was signed by the Speaker and sent to the House of Assembly by Mr. Craghead.

Ordered, That Mr. Joshua Polk wait on the House of Assembly with the proposition of Simon Wilmer Wilson for Trustee of the Loan Office for Kent County, which was acceded to by Council;

Who, being returned, reported that he had delivered the same according to order.

Mr. Smith, a member of Assembly, attending, was admitted and delivered to the Chair the bill for calling in and destroying the Bills of Credit emitted by this State, signed by the Speaker of that House, and a warrant to affix the Great Seal to the several laws passed this sitting.

The bill entitled "An act for calling in and destroying the Bills of Credit of this State," was compared and signed by the Speaker.

Ordered, That Mr. Neill wait on the House of Assembly and return the last mentioned papers.

The Speaker of the House of Assembly delivered to the Speaker of Council notice of the adjournment of the House of Assembly to the 16th day of May next.

Council therefore adjourned to the said 16th day of May next.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MAY, 1785.

MONDAY, May 16th, 1785.

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Tuesday, the 24th of the same month, when there appeared as follows:

For New Castle County—Thomas McDonough, Speaker, Geo. Craghead.

For Kent County—Richard Bassett, Vincent Loockerman, Silas Snow.

For Sussex County—William Polk, Joshua Polk.

Mr. Craghead laid on the table a memorial, signed by James Adams, of the borough of Wilmington, in the County of New Castle, printer, which, on motion, by order, was read; and set forth that he had frequently done printing business for the General Assembly; that great part of the amount thereof was still unpaid, and desiring immediate payment of the same; and it is therein further set forth that he is desirous of undertaking the printing the laws of this State, lately resolved by the General Assembly to be revised and printed; and that he will perform the same on as reasonable terms as any other person whatsoever.

Ordered to lie on the table.

Adjourned to ten o'clock to-morrow morning.

WEDNESDAY, May 25th, P. M.

Council met. Present the same members as yesterday, except Mr. Bassett.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, May 26th, A. M.

Council met. Present the same members as yesterday.

Adjourned to three o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, that agreeable to the Constitution, or system of Government, it was necessary to remove one of the members of the Privy Council, last appointed by Council, as two years had elapsed since that appointment, and to put persons in nomination that one may be chosen to fill up the place of the Councillor so removed, which being seconded, Council proceeded, by ballot, to determine which of those two last appointed should be removed, and, upon reading the polls, it appeared that John Lea was unanimously removed, and the persons to be put in nomination to supply the vacancy is referred until to-morrow.

Adjourned until 10 o'clock to-morrow morning.

FRIDAY, May 27th, A. M.

Council met. Present the same members, and Mr. Henry Neill, who appeared, was excused for his absence, and took his seat.

Agreeable to the order of the day, Council proceeded to put in nomination persons to fill the vacancy of a Privy Councillor, and the following gentlemen were put in nomination, viz :

By Mr. Craghead—Capt. James Black, Capt. John Garratt.

By Mr. Loockerman—Alexander Porter.

By Mr. Bassett—James Sykes;

And that in the afternoon Council will proceed to ballot from the above nominations.

The Speaker laid on the table a petition, signed by Benjamin Williams, owner of a grist-mill, at Noxonton, in New Castle County, complaining of the great hardship and inconvenience of his being called upon to support and repair a bridge, on the upper road from New Castle to Dover, at the head of said mill-pond, which he thinks ought to be maintained by the public, as a bridge would be equally necessary were there no mill at the place aforesaid, and praying relief in the premises, from the Legislature of this State, which, together with certificates signed by a number of respectable inhabitants of New Castle County, setting forth that the prayer of the petitioner is, in their opinion, reasonable, and that he ought not to be burdened with any expense relative to the said bridge, more than any other taxable of the said County; which, on motion, by order, were read.

Ordered to lie on the table.

Adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present the same members, and proceeded to ballot for a Privy Councillor, agreeable to the order of the forenoon, and the votes having been received by the Speaker, read and polled, it appeared that Major James Black was elected by a majority of votes, and he is declared duly elected Privy Councillor in the room of John Lea.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, May 28th, A. M.

Council met. Present the same members, except Mr. Snow and Mr. Joshua Polk.

Mr. Nixon, a member of the House of Assembly, attending, was admitted and delivered to the Chair an order of that House appointing Mr. Kollock one of the committee of conference on the subject matter of the disputed amendments proposed to the bill entitled "An act for establishing a Militia," in the room of Mr. Peery, who is absent; also a message from the President, accompanied with sundry resolutions of Congress, and letters; which, by order, were severally read.

Mr. Douglass, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill entitled "An act for establishing a Militia," with the amendments proposed by Council thereto, and the report of the committee of conference thereon; which report, by order, was read. Left under consideration.

Mr. Neill desired leave of absence during the present sitting, having a vessel ready to sail, on board of which he purposes going to sea; which is granted.

Mr. Bassett desired leave of absence for a few days, having urgent business in Maryland; which is granted.

Adjourned to Monday morning, 10 o'clock.

MONDAY, May 30th, P. M.

Council met. Present the same members as on Saturday, except Mr. Bassett, Mr. Neill, and Mr. Snow.

On motion, ordered,

That the report of the committee of conference on the subject matter of the bill entitled "An act for establishing a Militia," be again read, which being done accordingly, and the question put, "Do Council agree to the said report?" it passed in the affirmative.

On motion of Mr. Loockerman, that the yeas and nays on the above question should be entered, it is ordered accordingly.

For the affirmative—Mr. William Polk, Mr. Craghead, Mr. Joshua Polk.

For the negative—Mr. Loockerman.

Ordered, That Mr. William Polk wait on the House of Assembly and deliver the last mentioned bill, with the report of the committee of conference, to which Council had agreed;

Who, being returned, reported he had delivered them according to order.

Mr. Mitchell, a member of the House of Assembly, attending, was admitted and delivered to the Chair a supplementary bill to the act for regulating the wharves, &c., at Wilmington, accompanied by a petition from sundry inhabitants of said borough; which, by order, were read.

Ordered to lie on the table.

Mr. William Polk laid on the table a bill entitled "An act to repeal an act entitled 'An act directing the punishment of petty larceny, and for other purposes therein mentioned;'" which, by order, was read.

On motion, by order,

The bill for regulating the wharves, public streets, &c., in the Borough of Wilmington, was read a second time.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, May 31st, A. M.

Council met. Present the same members as on yesterday.

On motion,

The bill entitled "A supplement to the act entitled 'An act for the better regulating the wharves, public streets, buildings, party walls and partition fences in the Borough of Wilmington, in the County of New Castle, upon Delaware, and for raising money on the inhabitants of the said borough for the public use and benefit thereof,' " was read, by paragraphs, and the question being severally put on each paragraph, they were agreed to by Council, and the bill will pass.

Ordered, That Mr. Snow wait on the House of Assembly with the last mentioned bill and deliver the same, with the petition that accompanied it, to that House;

Who, being returned, reported that he had delivered the papers committed to him, according to order.

On motion,

The bill entitled "An act to repeal an act entitled 'An act directing the punishment of petty larceny, and for other purposes therein mentioned,' " was read a second time.

Ordered to lie on the table.

Adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present the same members.

On motion,

The bill entitled "An act to repeal an act entitled 'An act directing the punishment of petty larceny, and for other purposes therein mentioned,' " was read by paragraphs, and the questions being severally put, was agreed to by Council, and the bill will pass.

Ordered, That Mr. Joshua Polk wait on the House of Assembly with the said bill for concurrence, and also at the same time deliver to that House the petition of Benjamin Williams concerning the bridge over the head of his mill pond;

Who, being returned, reported he had delivered the papers committed to his charge, according to order.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, June 1st, A. M.

Council met. Present the same members as yesterday.

Mr. Nixon, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for raising £10,500 for the service of the year 1785."

On motion, by order, the said bill was read the first time.

Mr. Douglass, a member of Assembly, attending, was admitted and delivered to the Chair the bill for repealing the act directing the punishment of petty larceny, &c., to which the House of Assembly had agreed.

Ordered that the said bill be engrossed.

Adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present the same members.

The last mentioned bill, being engrossed, was compared.

Ordered, That the same be signed by the Speaker; which was done accordingly.

Mr. Broom, a member of the House of Assembly, attending, was admitted and delivered to the Chair the report of a committee appointed by the General Assembly, on the 21st June, 1783, to settle and adjust the accounts of the Loan Office of Kent County so far as related to the estate of John Vining, Esquire, dec'd, signed by Thomas Collins, John Cook and John Clowes, dated April 19th, 1784, with the addition of the Auditor of Accounts to that committee at the time of the report being made; which, being read and considered by Council, the appointment of the Auditor of Accounts is concurred in.

Ordered, That Mr. Craghead wait on the House of Assembly and deliver the said report, concurred in by Council;

Who, being returned, reported he had delivered the report, according to order.

Mr. William Polk laid on the table a petition, signed by nine inhabitants of Sussex County, who represent that they suffer great inconvenience from a road line through a parcel of marsh in Cedar Creek Hundred, and praying that a law may pass the General Assembly to permit the petitioners to erect a gate on said road, to prevent the inconvenience complained of.

On motion, by order, the said petition was read.

On motion, by order,

The bill entitled "An act for raising £10,500, for the service of the year 1785, was read the second time.

[The remainder of the Journal of the Council for the year 1785

is missing. As shown by the proceedings of the House of Assembly, both houses adjourned on the 6th of June until the 30th day of September. A session of the General Assembly was convened on the twentieth day of October, 1785, and continued until the 5th day of November, when an adjournment took place until the 3d day of January, 1786. The following papers belong to this period]:

Paper sent to the Council, Friday, June 3d, 1785, by the House of Assembly, with a resolution for the payment of £135 : 5s. to the representatives of Thomas Stroud, deceased :

The Auditor of Accounts, having examined the papers accompanying the petition of Thomas Stroud to the General Assembly, which were referred to him, begs leave to report: That it appears to him a vessel belonging to the petitioner was taken or hired by the then President of the State to receive on board the papers of the Continental Loan Office of this State and the records of New Castle County, together with some valuable private property, in order to preserve them from falling into the hands of the enemy, then on their march from the Head of Elk to Philadelphia; that the said vessel, with the above mentioned papers, records, and property on board, lying under the guns of the fort near Wilmington, was taken by the enemy on the morning of the 13th of September, 1777, and received so much damage while in their possession that it cost the petitioner upwards of one hundred and ninety-one pounds ten shillings to repair her, which, together with £15 charged for five days' hire, amounts to the sum of two hundred and six pounds twelve shillings and ten pence, for which he prays to be reimbursed by the State.

The Auditor has taken some pains to obtain the necessary information relative to this business, but has not succeeded to his wish. He therefore prays to be excused from hazarding his single opinion, and to refer the case of the widow (the petitioner having lately departed this life) to the wisdom of the Legislature. One thing he will venture to mention, that as the vessel in question was taken up as well for the purpose of preserving the papers of the Loan Office as the records of New Castle County, the allowance, if any is made, ought, in his opinion, to be paid and borne equally between this State and the United States.

June 3d, 1785.

E. McCOMB, *Auditor of Accounts.*

Message from the Council received in the House of Assembly, June 4, 1785:

Gentlemen:

The Council received the last evening their amendments proposed by them to the bill entitled "An act for the suppression of public marts or fairs," some of which are acceded to and others rejected by your honorable House, and having reconsidered their amendments, still retain the highest sense of their propriety, both on account of their tendency to shorten the bill and preserving the propriety of expression; therefore Council wish your honorable House to reconsider the proposed amendments. But if your House cannot consider the same in the light Council do, and as they conceive the bill necessary and useful, and the object of both Houses, we presume, the same, rather than it should be lost, will recede from their proposed amendments.

List of engrossed bills, to which the Great Seal was ordered to be affixed, by resolution of the House of Assembly, and sent to the Council for concurrence June 4, 1785:

"An act for raising ten thousand five hundred pounds for the service of the year one thousand seven hundred and eighty-five;"

"A supplement to the act entitled 'An act for the better regulating the wharfs, public streets, buildings, party-walls and partition-fences, in the Borough of Wilmington, in the County of New Castle, upon Delaware, and for raising money on the inhabitants of the said borough, for the public use and benefit thereof;' "

"An act to prevent the issuing the writ of *capias ad satisfaciendum*, in certain cases;"

"An act to enable Joseph Oliver, of the County of Kent, his heirs, executors, or administrators, to erect a bridge over Mispillion Creek;"

"An act to repeal an act entitled 'An act directing the punishment of petit-larceny, and for other purposes therein mentioned;"

"An act for the suppression of public marts or fairs;"

"An act for establishing a Militia."

Messages from his Excellency Nicholas Vandyke, President :

Gentlemen of the General Assembly :

The Secretary will lay before you sundry acts of Congress, which I have received subsequent to the adjournment of the late General Assembly.

The requisition of Congress for this State's computed quota of three million dollars, demanded from the United States, is an object, which, from its importance, requires your earliest attention. The purposes to which this sum is to be applied, and the reason of the demand, are clearly specified in the requisition; and I trust it will be unnecessary to urge any arguments in favor of complying with a measure, the obvious consequence of which is the establishment of foreign and domestic credit.

I beg leave to call your attention to an act of Congress, of the 30th of April, 1784, recommending to the States to vest the United States, in Congress assembled, with powers competent to the protection of commerce, the situation of which claims the attention of the several States, and few objects of greater importance can present themselves to their notice. Without investing the grand council of the empire with such powers, we can never command reciprocal advantages in trade, or restrain such foreign commerce as may not be founded upon principles of equality.

It will appear, from many of the papers now laid before you, that Congress urge in the strongest manner, and with the most forcible reasons, the importance and necessity of a constant representation of the different States, and that each State should be represented, at all times when Congress are sitting, by three members. The dignity and interest of this State, as well as of the Union, are materially concerned in a constant and full representation, and I hope your Honors will take this matter into your serious consideration.

I must also recommend your attention to the other papers transmitted, a compliance with which will tend to promote federal confidence and prosperity.

NICHOLAS VANDYKE.

Dover, October 27, 1785.

Gentlemen of the General Assembly :

I have this day received, and directed to be laid before you by the Secretary, a letter from the Secretary for Foreign Affairs, dated the 10th instant, accompanied by information that the Regency of Algiers have declared war against the United States of America; and also two other letters, one from the Secretary of Congress, and the other from the Board of Treasury. The first of these is accompanied by an act of Congress of the 12th instant, by which the several States are earnestly called on to complete, without delay, the whole of their quotas of the requisitions of September, 1782, and April, 1784. The other contains accounts of the balances due on the requisitions of Congress, of the 30th of October, 1781, and the 4th of September, and the 16th of October, 1782.

The General Assembly will hereby be enabled to discover what exertions are necessary to be made, on the part of this State, for the important purpose of effectually supporting foreign and domestic credit; an object which, from its extensive consequence to all the States in the Union, I recommend to your serious consideration.

NICHOLAS VANDYKE.

Dover, October 28, 1785.

Minutes of a meeting of both Houses of the General Assembly, held November 4, 1785 :

The Council and House of Assembly met in the Council Chamber, agreeable to the order of the day, and proceeded, by joint ballot, to the election of Delegates to represent this State in the Congress of the United States of America until the first Monday in November in the year one thousand seven hundred and eighty-six, and the box containing the ballots being examined by the Speakers of both Houses, in the presence of the members, the Honorable Gunning Bedford, Junior, John Vining, John Patten, Thomas Rodney, and William Peery, Esqs., are declared duly elected.

MINUTES OF COUNCIL.

1786.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

[The manuscript of the Minutes of the Council for the session commencing January 3, and ending February 3, 1786, is not in the State archives. From the printed Journal of the House of Assembly it is found that the session was adjourned to the 23d of May. The following is a list of the acts passed during the October and January sessions]:

1. "An act for the more effectual preservation of all such ships, or other vessels, and the goods thereof, as shall be forced on shore or stranded upon the coasts of this State, and for other purposes therein mentioned;"

2. "An act to supply the defect occasioned by the loss of certain articles of agreement made between John Brinkle, late of Kent County, since deceased, and James Partridge, of New Castle County, for the exchange of their lands, &c., in the respective counties aforesaid;"

3. "An act to enable the present Trustee of the Loan Office of New Castle County to convey unto Joseph Dickinson, of the said county, his heirs and assigns, a certain tract or parcel of land purchased by the said Joseph of the late Trustees of the said office;"

4. "An act for the recovery of the sum of one thousand five hundred and fifty-three pounds eighteen shillings and six pence, due from the estate of John Vining, Esquire, deceased, formerly one of the Trustees of the Loan Office for the County of Kent;"

5. "An act for the appointment of rangers and regulation of strays;"

6. "An act to enable the owners and possessors of the tract of meadow, marsh and cripple, situate at Swanwick, in the Hundred and County of New Castle, to keep the banks, dams, canals, sluices and flood-gates in repair;"

7. "An act for devising and establishing seals to be made use of by divers officers in the respective Counties of this State;"

8. "An act to incorporate the President, Directors and Company of the Bank of North America;"

9. "An act to invest the United States, in Congress assembled, with powers for the regulation of commerce for the term of fifteen years;"

10. "An act for continuing the powers of sundry Collectors;"

11. "An act to establish certain free ports within the Delaware State and for the encouragement of commerce."

MEMBERS' NAMES.

FOR NEW CASTLE COUNTY:

THOMAS McDONOUGH, GEORGE CRAGHEAD, GEORGE READ.

FOR KENT COUNTY:

SILAS SNOW, JAMES TILTON, JOHN BANING.

FOR SUSSEX COUNTY:

JOSHUA POLK, HENRY NEILL, DANIEL POLK.

STEPHEN SYKES, *Clerk Pro. Tem.*

VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL,
HELD AT DOVER, MAY 29TH, A. D. 1786.

A sufficient number of members to compose a House not attending, the Council adjourned from day to day until Friday, the second day of June, 1786.

FRIDAY, 2d June, 1786, A. M.

The following members appeared in Council, viz :

For New Castle County—Thomas McDonough, George Craghead.

For Kent County—Silas Snow, James Tilton, John Baning.

And the said members being so met, it appearing that the Clerk of the Council, James Sykes, Esq., from his indisposition, was unable to attend at this time, the Council proceeded to the choice of a Clerk *pro tempore*, and Stephen Sykes was unanimously chosen.

Stephen Sykes appeared in the Council, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and also took the oath of office as Clerk of the Council. [See note on page 11.]

Mr. Craghead presented to the Chair a petition, signed by a number of the inhabitants of New Castle County, members of the Presbyterian congregation in Mill Creek Hundred, where the

Reverend Mr. John McCreary officiates, praying leave to bring in a bill to incorporate the said congregation; as also a petition, signed by the members of the Presbyterian Church at the head of Christiana, in White Clay Creek Hundred, in the County of New Castle, praying leave to bring in a bill for the incorporation of the said congregation.

On motion, ordered that the same be read; which was done accordingly.

On motion, ordered that the said petitions be referred to a committee of two, to report thereon, to wit: Mr. Baning and Mr. Tilton.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Mr. Speaker laid on the table a letter addressed to him from the Chairman of Congress, containing a report of a committee concerning the system of general revenue.

On motion, by order, the said letter was read, and also the report of the committee.

Mr. Craghead presented to the Chair a petition from divers inhabitants of New Castle County, praying an alteration in the mode of making and repairing the public roads, and for the collecting the poor of the said county into one house.

On motion, by order, the said petition was read.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., June 3, 1786.

Council met. Present the same members as on yesterday.

The committee to whom were referred the petitions of divers inhabitants of New Castle County, members of the Presbyterian churches of White Clay Creek and of Mill Creek Hundreds, praying leave to bring in a bill to incorporate the said congregations, now brought in their report; which was read, and follows in these words:*

On motion, ordered,

That Mr. Baning, Mr. Tilton, and Mr. Snow are appointed a committee to bring in a bill for granting a general charter of incorporation to all the churches and religious societies of every Christian denomination, agreeable to the recommendation of the committee in their report upon the petitions of the members of the said churches, &c.

Adjourned to Monday next at 10 o'clock in the morning.

MONDAY, June 5th, A. M.

Council met pursuant to adjournment.

Mr. Joshua Polk appeared in Council and took his seat.

On motion, by order,

The bill entitled "An act for laying a rate or duty on certain offices and lowering the salaries of the Justices of the Courts of Common Pleas and Orphans' Courts, and for other purposes," was read.

Adjourned to 3 o'clock.

* This report does not appear on the record.

EODEM DIE, P. M.

Council met according to adjournment.

The committee appointed to prepare and bring in a bill for the more equal assessment of the property of the inhabitants of this State, as also of the property in the same belonging to inhabitants of any other State, now laid one on the table; which was read.

Ordered to lie on the table.

On motion, by order,

The bill entitled "An act for the further security of Government," was read a second time and unanimously rejected.

Ordered, That Mr. Craghead wait upon the House of Assembly and return the bill entitled "An act for the further security of Government," and inform them that Council have rejected the same.

On motion, by order,

The bill for laying a rate or duty on certain offices, &c., was read a second time.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY MORNING, June 6th, 1786.

Council met pursuant to adjournment.

Mr. Read appeared in Council and took his seat.

On motion, by order,

The bill entitled "An act for the more equal assessment of

property within this State, and for other purposes therein mentioned," was read a second time.

Ordered to lie on the table.

Mr. Craghead, having returned, reported that he had delivered to the Speaker of the House of Assembly the bill entitled "An act for the further security of Government."

On motion,

Resolved, That Council will go into a third reading of the bill entitled "An act for laying a rate or duty, &c.," to-morrow afternoon.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

The House now went into the consideration of the bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," and after some time spent therein it was committed to Mr. Read, Mr. Snow, and Mr. Polk, to report thereon.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, June 7th, 1786, A. M.

Council met according to adjournment.

Mr. Patten, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, viz: A supplementary bill to the act vesting Congress with power to levy duties, &c.; letter from the Chairman of Con-

gress, recommending a revision of the impost law ; petitions from Joseph Tatlow to the General Assembly of the Delaware State; a memorial of Richard Bassett, Esquire, and the report upon the petition of Joseph Tatlow and memorial of Richard Bassett ; Auditor's report upon the first petition of Joseph Tatlow, and the depositions of Samuel Fisher and Joseph Tatlow, with a certificate of Thomas Carrell, Deputy Quartermaster, and another of General Mifflin, Quartermaster-General ; which said papers were severally read.

Council resumed the consideration of the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," and after some time spent therein, resolved that Council will go into a third reading of the said bill on the day after to-morrow, in the forenoon.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Council now went into the consideration of the bill entitled "An act for the laying a rate or duty on certain offices, &c.," and after some time spent therein, it was deferred for further consideration.

The committee appointed to bring in a bill for granting a general charter of incorporation to all religious societies of every Christian denomination, now laid one on the table; which was read.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning,

THURSDAY, June 8th, 1786, A. M.

Council met and adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met pursuant to adjournment.

The committee to whom was committed the bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," now informed Council that they had made some progress in that business, but had not been able to finish the same, and desired a longer time; which was granted.

A petition from divers of the inhabitants of New Castle County, praying an alteration in the law for maintaining public roads, was presented to the Chair and read.

Ordered to lie on the table.

Council now resumed the consideration of the bill entitled "An act for laying a rate or duty on certain offices, &c.," and after some time spent therein, the same was again deferred for further consideration.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, June 9th, 1786.

Council met according to adjournment.

Council, agreeable to the order of Wednesday, went into the further consideration of the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," and after some time spent therein, the still further consideration was deferred until this afternoon.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, the memorial of Richard Bassett, and the resolution of the House of Assembly thereon, was read a second time, and thereupon the Council concurred in opinion with the House of Assembly that the General Assembly, at their present sitting, should proceed to the appointment of persons as Judges of the Court of Appeals for this State, agreeable to the 17th section of the Constitution, but

Resolved, That such appointment, on the part of the Council, be postponed until the bill proposed by the House of Assembly, in their resolutions aforesaid, for ascertaining the allowance to the said Judges, &c., shall have been acted upon by the Council.

Ordered, That the foregoing be transcribed and sent to the House of Assembly.

STE. SYKES, *Cl'k P. T.*

Ordered, That Mr. Tilton wait upon the House of Assembly with the foregoing motion and resolution;

Who, being returned, reported he had delivered the same to the Speaker of that House, the House of Assembly having adjourned for that day.

On motion, Council now resumed the consideration of the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," and after some time spent therein the same was recommitted to the gentlemen on the first committee, to which were added Messrs. Read and Craghead.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, June 10th, 1786, A. M.

Council met according to adjournment.

On motion, by order,

The bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, who shall be a body corporate for the purpose of taking care of the temporalities of their respective congregations," was read a second time, and the same was recommitted to the gentlemen on the first committee, to which Mr. Read was added.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met pursuant to adjournment, and adjourned to 10 o'clock on Monday morning.

MONDAY, June 12th, 1786, A. M.

Council met according to adjournment. Present the same members.

The committee to whom was committed the bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," now reported several amendments, which were read.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

The Council now proceeded in the consideration of the bill entitled "An act for raising twenty-one thousand pounds for the service of the year 1786," with the several amendments proposed thereto, and after making considerable progress therein the same was deferred to further consideration.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, June 13th, 1786, A. M.

Council met pursuant to adjournment. Present the same members.

Council now went into the consideration of the bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," and the amendments proposed thereto by the committee appointed to report thereon, and upon debating the 45th amendment, which is as follows:

But whereas it is just and reasonable to provide for the discharge of such of the certificates to be given for interest due, as well on all Continental Loan Office certificates issued from the office in this State, as on liquidated debts of the United States, due to the inhabitants of this State, which may not have been received from the taxables by any of the County Collectors; be it therefore enacted that the State Treasurer is hereby authorized and required, so often as he shall have any monies in his hands under this act, where the proportion is greater than one-third of the amount of the interest certificates aforesaid, to exchange, without fee or reward therefor, any such interest certificates that may be brought to him for that purpose, paying the amount thereof, in specie, to the bearer, from the said overplus propor-

tion, and that the holders of such interest certificates may have notice when to attend the State Treasurer for this purpose, he is hereby also authorized and required, at the expense of the State, to give public notice, by advertisement, to be inserted in the Delaware Gazette, when and where such holder may attend him for exchange as aforesaid.

And on the question to agree to the same, the yeas and nays were required by Mr. Read, and are as follows:

Yeas—Mr. Craghead, Mr. Read, Mr. J. Polk, Mr. Snow, and Mr. Bassett.

Nay—Mr. Tilton.

As also the 46th amendment, which is as follows: And to the end that the taxables, within this State, who may hold any certificates of liquidated debts of the United States, and that all holders of Loan Office certificates issued from the Office in this State may obtain certificates for all the interest due thereon, to the last day of the year 1784, in a reasonable time after the passing of this act, for the purpose of discharging the two-thirds part of their tax therewith, or otherwise obtaining the exchange directed to be made as aforesaid; and the General Assembly of this State, considering the provisions in this act as a compliance with the first hereinbefore recited requisitions of Congress, be it therefore enacted, that if the Commissioner of the Continental Loan Office of this State shall refuse or neglect to settle and certify the interest due on any of the certificates aforesaid, to the last day of the year 1784, upon reasonable application to him made, at any time after one month from the passing of this act, that it shall and may be lawful for the President or Commander-in-Chief, for the time being, and he is hereby authorized and required, upon any and every complaint to him made, and supported by an oath or affirmation of the party, or any credible witness, of such refusal or neglect in the Commissioner of the Continental Loan Office aforesaid, forthwith to summons the Privy Council, notifying the Commissioner and the party complaining to attend the meeting thereof, and then proceed into the inquiry of the facts of refusal or neglect aforesaid, and if the same shall be made clearly to appear, to the satisfaction of the President and Privy Council, the President is hereby authorized and required to issue his proclamation declaring a suspension of the collection of taxes, directed to be made by this act, until such

cause of complaint, as aforesaid, shall be removed, and when and as often as the President and Privy Council shall have satisfactory evidence that it shall be so done, the President, with the advice of the Privy Council, is hereby also authorized and required to take off such suspension and revive the collection of the taxes aforesaid by other proclamation for that purpose to be issued, anything herein before contained to the contrary notwithstanding.

And on the question to agree to the same, the yeas and nays were required by Mr. Read, and are as follows:

Yeas—Mr. Craghead, Mr. Read, Mr. J. Polk, and Mr. Snow.

Nays—Mr. Tilton and Mr. Baning.

So it passed in the affirmative.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met and proceeded in the consideration of the bill entitled "An act for raising twenty-one thousand pounds for the service of the year A. D. 1786," with the amendments proposed thereto, and having made considerable progress therein, adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, June 14th, 1786, A. M.

Council met according to adjournment.

Mr. Daniel Polk appeared in Council and took his seat.

The Council now went into the further consideration of the several amendments proposed to the bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," and after some time spent therein, the amendments were agreed to.

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence.

The said amendments being transcribed and compared,

Ordered, That Mr. Craghead wait upon the House of Assembly with the said bill entitled "An act for raising twenty-one thousand pounds, &c.," with the amendments proposed thereto by Council;

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The supplementary bill to the act vesting Congress with power to levy duties, &c., was read a second time.

Mr. McLane, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bundle of papers respecting the proceedings of the House of Assembly upon the accounts of John McKinly, Esquire, with the said accounts and papers relative thereto.

Ordered, That Mr. Snow wait upon the House of Assembly and return the supplementary bill to the act vesting Congress with power to levy duties, &c., with a paper of amendments proposed thereto, and a letter from the Chairman of Congress, recommending a revision of the impost law;

Who, being returned, reported he had delivered the same according to order.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

On motion, by order, the accounts of John McKinly, Esquire, with the papers relative thereto, were read.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, June 15th, 1786, A. M.

Council met according to adjournment. Present the same members as on yesterday.

On motion, by order,

The accounts of John McKinly, Esquire, with the papers relative thereto, were read a second time.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met, and in the consideration of the proceedings of the House of Assembly respecting the accounts of John McKinly, several amendments were proposed and agreed to.

Ordered, That the said amendments be transcribed and sent to the House of Assembly for their consideration.

The said amendments being transcribed and compared,

Ordered, That Mr. Joshua Polk wait upon the House with the amendments aforesaid proposed by Council to the proceedings of the House of Assembly respecting the accounts of John McKinly, Esq., together with the said accounts and all the papers relative thereto;

Who, being returned, reported the delivery thereof according to order.

Mr. Nixon, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, viz: A bill for printing and emitting twenty-one thousand pounds in Bills of Credit, to be let out on loan, and providing a fund for sinking the same; a message to the Council from the House of Assembly respecting the said bill; three petitions, praying relief

from the distresses occasioned by the scarcity of money; report of the committee upon the papers accompanying the President's Message of the 9th instant; resolutions appointing commissioners, &c.; paper having the names of the commissioners proposed to meet commissioners from the other States, &c, with a message from the President, with a bundle of papers;

And in the course of the reading the said papers, Council took into consideration the resolution of the House of Assembly appointing commissioners to meet commissioners, &c., and their nomination of persons to fill up the blank in said resolution, and the said resolution proposing the persons for the purpose aforesaid was rejected.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, June 16th, 1786, A. M.

Council met.

On motion, by order, the message from the House of Assembly to the Council respecting the bill for printing and emitting twenty-one thousand pounds in Bills of Credit, to be let out on loan, and providing a fund for sinking the same, and the aforesaid bill, and also three petitions, praying relief from the distresses occasioned by the scarcity of money, were read.

Council, upon considering the aforesaid bill for emitting twenty-one thousand pounds in Bills of Credit, &c., do reject the same.

Mr. Tilton, Mr. Snow, and Mr. D. Polk are appointed a committee to prepare an answer to the message from the House of Assembly, in which answer the reasons inducing Council to reject the said bill are to be expressed.

Council took into consideration the resolutions transmitted yesterday respecting the appointment of commissioners, &c., and several amendments were proposed thereto and agreed to.

Ordered, That the same be transcribed and sent to the House of Assembly for their consideration, together with the following verbal message:

Gentlemen :

Your resolve of yesterday, proposing the names of five persons as commissioners, to be inserted in the transmitted resolutions as to the intended meeting at Annapolis, for conferring on the trade of the United States and forming a system of commercial regulations for the adoption of all the States in the American Union, is returned to you as rejected by Council, for that, agreeable to the rules laid down by the General Assembly of this State, in the session of February, 1777, and regularly persevered in as to all appointments to offices of public trust of importance since that time, such appointments have been made under the regulations then adopted respecting the choice of civil officers of the State, Delegates to Congress, and the Continental Loan Officer, &c., by the two Houses meeting together for the purpose of nominating a number of persons for the consideration and comparison of their fitness for the service to be performed, and after to elect by ballot. These rules of nomination and election the Council conceive it right and incumbent on them to adhere to, as well with respect to the commissioners to be inserted in the blank left for their names in the resolution aforesaid as to all other nominations to be made of civil officers, commissioners, &c., necessary to be appointed in the present session; and as its continuance will probably be short, the Council therefore propose to the House of Assembly that a meeting be had of the members of both Houses, in the Council Room, at 6 o'clock this afternoon, for the purpose of general nomination as aforesaid.

Ordered, That Mr. Craghead wait upon the House of Assembly with the resolutions of that House respecting the appointment of commissioners, with the several amendments proposed thereto by Council, as also with the above verbal message from Council to that House.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

Mr. Craghead, being returned, reported the delivery of the above mentioned message from Council to the House of Assembly, according to order.

Mr. McLane, a member of the House of Assembly, attending, was admitted and returned to the Chair the following papers: The resolutions of the Assembly appointing commissioners, &c.; the verbal message sent this morning from the Council to the House of Assembly; the paper of amendments proposed by the Council to the said resolutions of the House of Assembly, with a paper of amendments proposed by the House of Assembly to the said amendments of Council, with the following verbal message to the Council:

Gentlemen:

The House of Assembly having taken into consideration your verbal message delivered this afternoon, respecting the mode of nominating and appointing commissioners to form, with the commissioners from the other States in the Union, a convention for the purpose of framing and reporting a system of commercial regulations, &c., do concur in the mode proposed; and will meet Council for that purpose, at the time and place therein mentioned.

The amendments proposed by the House of Assembly to those of Council, as also the verbal message from the House of Assembly, were read, and the amendments of the House of Assembly to those of Council were acceded to.

The Council and the House of Assembly met in the Council Chamber for the purpose of electing Commissioners, agreeable to the appointment of both Houses, and the ballots being taken and examined, George Read, Jacob Broom, John Dickinson, Richard Bassett and Gunning Bedford, Esquires, were declared duly elected commissioners to meet commissioners from the other States in the Union, for forming a system of commercial regulations; and William Killen, Gunning Bedford and John Jones, Esquires, Mr. Robert Armstrong and Eleazar McComb, Esq., were declared duly elected commissioners to meet commissioners

from the States of Pennsylvania and Maryland, for the purpose of digesting measures for effecting a navigable communication between the Bays of Chesapeake and Delaware, and for the other purposes mentioned in the resolution on this subject.

[A page of the journal here is blank, the space evidently being left for the purpose of recording an omission of part of Friday afternoon's and Saturday morning's proceedings.]

Ordered, That Mr. Snow return to the House of Assembly the following papers: The resolution of that House appointing commissioners from this State to meet commissioners from the other States, with the amendments proposed thereto by Council, as also a paper of amendments proposed by the House of Assembly to those of the Council, to which Council had agreed; with a verbal message from Council to the House of Assembly, which was returned to this House yesterday, with the several papers relative to the subject of commercial regulations and the improvement of inland navigation, and a letter from his Excellency, Wm. Smallwood, Esq., accompanying the resolutions of Maryland;

Who, being returned, reported the delivery thereof according to order.

The committee appointed to prepare a message to the House of Assembly in answer to a message received from that House on the subject of the bill for printing and emitting twenty-one thousand pounds, &c., in which first mentioned message the reasons and principles upon which Council do reject the said bill were to be expressed, now laid one on the table; which was read.

On motion, by special order, the said message was read a second time.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present all the members, except Mr. Joshua Polk and Henry Neill.

Some amendments being proposed to the message from Council to the House of Assembly in answer to their message of yesterday and agreed to,

Ordered, That the same be transcribed and sent to the House of Assembly.

Ordered, That Mr. Polk wait upon the House of Assembly with the following verbal message:

“That the President’s Message of the ninth instant, accompanied with Secretary Thompson’s letter of the first of April last, mentioned a copy of the Journal of Congress. The Council wish to have a view of them for information relative to some business now under their consideration.”

Who, being returned, reported the delivery thereof according to order.

Mr. Garrett, a member of the House of Assembly, attending, was admitted and delivered the following verbal message, which was read, and follows:

Gentlemen :

The House of Assembly propose to your honorable House, that both Houses meet, at six o’clock this evening, in the Council Chamber, for the purpose of putting into nomination persons, out of whom one shall be elected by ballot, to fill the vacancy occasioned by the death of Richard Lockwood, Esq., one of the Justices of the Court of Common Pleas and Orphans’ Court for the County of Kent.

It appears to this House, that the accounts exhibited on behalf of this State against the United States, cannot be adjusted for want of vouchers produced to authenticate, support, and explain the said accounts; and the Commissioner heretofore appointed by this State for that purpose, conceiving that he hath completed the duties of his appointment, hath declined taking any further measures on this subject. In order, therefore, to effectuate a speedy completion of that business, this House propose to meet the Council at the time and place above mentioned, for the nominating of persons for the purpose of electing thereout a Commissioner to procure sufficient, or the best attainable vouchers, to support the accounts of this State against the United States, and

for transacting, with the Commissioner of the said United States, all the necessary business relative to this important object.

Ordered, That Dr. Tilton wait upon the House of Assembly with the bill for printing and emitting twenty-one thousand pounds, &c., with the three petitions, praying relief from the distresses occasioned by the scarcity of money, as also the message from Council to the House of Assembly in answer to a message from that House respecting the said bill for printing and emitting, &c.;

Who, being returned, reported the delivery thereof according to order.

A MESSAGE FROM THE COUNCIL TO THE HOUSE OF ASSEMBLY
IN ANSWER TO THEIR MESSAGE OF THURSDAY LAST.

Gentlemen :

We have considered the bill for emitting £21,000 on loan; also for suspending executions for a limited time; and after the most impartial and candid examination of it, have disagreed thereto.

We will not take up your present time with long and defensive arguments, but will mention concisely some of the leading or principal reasons which have influenced our conduct, and hope they will be satisfactory.

We know that previous to the Revolution happy concurrence of circumstances gave an advantageous credit to our paper currency, but since that period all experience serves to show that nothing short of a bank, or fund, at which paper may be exchanged, at pleasure, for hard money, can prevent the former from depreciation.

A paper currency, issued upon the principle proposed by your honorable House, would not pass in the taxes of the State for Continental use, nor, in our apprehension, be current for any purpose whatsoever anywhere without the State, and consequently must fail to answer our most necessary occasions. We are therefore of opinion that instead of affording relief to the people, the measure proposed would injure the estates of industrious and worthy citizens, and depreciate the morals of others in the same proportion as the money itself depreciated.

The facilities to be issued from the Continental Loan Office of

this State, agreeable to the Tax Bill now pending with the General Assembly, will answer most purposes of a circulating paper medium. Being payable in Continental taxes, it will of course become a currency in most cases. An additional quantity of paper money, in the opinion of Council, would so far exceed the due proportion of paper to hard money within the State, as to depreciate the facilities, and thereby deprive us of the only circulating paper we can, at this time, reasonably hope to establish.

Permit us, gentlemen, before we close our address, to suggest our opinion of the source of those distresses which you so feelingly mention; and we hope you will be persuaded of our desire to concur with you in every measure of public utility, when we have pointed out to you the means of redressing these evils which we suffer from being in debt and involved one with another.

This kind of distress, we conceive, can only proceed from men's living beyond their income, or speculating indiscreetly upon their neighbors' property, and but very rarely from inevitable misfortune.

The plain and obvious means of redress then will be a strict and uniform course of justice, and we apprehend the Legislature cannot more effectually contribute to the end proposed than by a further limitation and restriction upon book debts, and a regulation, as well in the form of the warrant of attorney, usually annexed to bonds given for payment of monies, as of the manner used in proceeding thereon in the courts of justice, for that in their present form and use they have tended rather to create an artificial credit than otherwise.

THO. McDONOUGH.

A VERBAL MESSAGE FROM THE COUNCIL TO THE HOUSE OF
ASSEMBLY.

Gentlemen:

The Council agree to the propositions contained in the verbal message from your honorable House of Saturday afternoon, to meet in the Council Chamber for the purpose of putting into nomination persons as well to fill the vacant seat on the bench of the Common Pleas Court in the County of Kent, as also a Commissioner of the Public Accounts of this State against the United States. Council therefore propose the hour of seven, this afternoon, for the purpose aforesaid.

Mr. Emmerson, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers: Resolutions appointing Commissioners, &c., the paper of amendments proposed thereto by the Council, and also a paper of amendments and an additional amendment by the House of Assembly.

Adjourned to 10 o'clock on Monday morning.

MONDAY, June 18th, 1786, A. M.

Council met and adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members, except Mr. Joshua Polk.

Mr. Neill now appeared in Council and took his seat, having first informed Council that he was unable to attend sooner on account of his indisposition; he is therefore excused.

The Speaker having received the following papers: The bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," the paper of amendments proposed by Council to the said bill, to many of which said amendments the House of Assembly do disagree, with a paper of additional amendments proposed by the House of Assembly to the aforesaid bill, now laid them on the table.

The amendments proposed by Council to the said bill, and those amendments proposed by the House of Assembly, were read.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, June 19th, 1786, A. M.

Council met according to adjournment, and went into the consideration of such of their amendments proposed to the bill entitled "An act for raising 21,000 pounds, &c.," as were disagreed to by the House of Assembly, and after some time spent therein, Council adjourned until three o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, by order,

The verbal message proposed to be sent to the House of Assembly on Saturday last from Council, but was prevented by the adjournment of that House, be postponed until the passing of the bill for raising £21,000 for the service of the year 1786 by Council.

Council then proceeded to the further consideration of their amendments proposed to the said bill and rejected in part by the House of Assembly, together with the amendments proposed by the House of Assembly to said bill; and upon the question to agree to the following amendment proposed to their 45th original amendment, viz:

"When and as soon as he shall have received, under this act, any greater sum in specie than five thousand six hundred and ten pounds fifteen shillings, the one-third of the remaining moiety of the eight million of dollars aforesaid, he is hereby authorized and required to exchange, without fee or reward therefor, any such interest certificates aforesaid that may be brought to him for that purpose, paying the amount thereof in specie to the bearer out of any such overplus proportion, and that at any time between the passing of this act and the 31st day of May next."

The yeas and nays were required by Mr. Tilton, which were as follows, viz:

Yeas—Mr. Craghead, Mr. Read, Mr. Snow, Mr. Baning, Mr. Neill, Mr. D. Polk.

Nay—Mr. Tilton.

An amendment was proposed by Council to their 46th original amendment, viz:

“That in case of the refusal of the Commissioner of the Continental Loan Office for this State to issue certificates of interest due on Loan-Office certificates issued from the office of this State, and other liquidated debts of the United States due to the inhabitants of this State, the President be directed to issue his summons for calling the General Assembly together, at Dover, to take under their notice and determine upon such refusal or neglect.”

The question being put, “Will the same be agreed to?” the yeas and nays were required by Mr. Tilton, and were as follows:

Yeas—Mr. Craghead, Mr. Read, Mr. Baning, Mr. Daniel Polk.

Nays—Mr. Snow, Mr. Tilton.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, June 21st, 1786, A. M.

Council met and adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

Mr. Shankland, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, viz: A supplementary bill to the act for calling in and destroying the Bills of Credit, &c.; a memorial of Simon W. Wilson; which said papers were read.

Mr. Read, appointed yesterday to prepare a message to the House of Assembly, now laid one on the table; which was read.

Adjourned until 10 o'clock to-morrow morning.

THURSDAY, June 22d, 1786, A. M.

Council met according to adjournment.

Mr. Patten, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, viz: Resolutions for negotiating a loan from the bank; a message from the President to the General Assembly; a resolution respecting an adjournment; with a copy of the continuation of the Journals of Congress from the 3d of March last to the 2d instant, and a copy of the Treaty of Amity and Commerce lately concluded between the United States of America and his Majesty the King of Prussia, mentioned in the said message from the President; which said papers were read.

The Council now went into the consideration of the message proposed to be sent to the House of Assembly, and after some time spent therein the same was agreed to.

Upon the question to agree to the same, the yeas and nays were required by Mr. Tilton, and are as follows:

Yeas—Mr. Craghead, Mr. Read, Mr. Snow, Mr. Neill, Mr. D. Polk, Mr. Banning.

Nay—Mr. Tilton.

So it passed in the affirmative.

Ordered, That Mr. Craghead wait upon the House of Assembly with the following papers, to wit: The bill entitled "An act for raising twenty-one thousand pounds for the service of the year 1786, with the first paper of amendments proposed thereto by Council and still adhered to; the second paper of amendments proposed to the said bill by the House of Assembly, and also with a third paper of amendments proposed by the Council to some of their original amendments to said bill, with the above mentioned message from Council to the House of Assembly; and also with resolutions ascertaining the duty of Commissioners of the Continental Loan Offices; a letter of Secretary of Congress, dated 15th October, 1785, with resolutions of Congress of September, 1782, and October 12th, 1785.

Mr. Craghead, being returned, reported the delivery thereof according to order.

On motion, by order,

The supplementary act to an act entitled "An act for calling in and destroying such of the Bills of Credit emitted by virtue of any law of this State, passed under the present or former Government thereof, as are now outstanding, and for other purposes therein mentioned," was read a second time.

Ordered, That Mr. D. Polk wait on the House of Assembly with the following verbal message:

A MESSAGE FROM THE COUNCIL TO THE HOUSE OF ASSEMBLY.

Gentlemen:

The Council had deliberated upon and acceded to the proposition contained in the verbal message from your honorable House of Saturday afternoon, and were preparing to transmit the same, when a member of your honorable House informed Council of their adjournment for the day; since which Council acted upon the tax bill in such way that, in their opinion, another vacancy in a public office, to wit: that of State Treasurer, may be necessary

to be supplied by nomination and ballot. Therefore it is that Council now declare their readiness to meet the House of Assembly for the purpose of putting into nomination persons to supply any vacancies necessary to be filled by the choice of the General Assembly generally, or in conjunction with his Excellency, the President, at any time and place which your honorable House may propose.

Mr. D. Polk, being returned, reported the delivery of the above message to the Speaker of the House of Assembly.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

Ordered, That Mr. Snow wait upon the House of Assembly with the following papers: Resolutions appointing Commissioners, &c.; first paper of amendments proposed thereto by Council and a second paper of amendments proposed by House of Assembly, and a resolution of Council respecting the canal business;

Who, being returned, reported the delivery thereof according to order.

Mr. Clark, a member of the House of Assembly, attending at the door, was admitted and delivered to the Chair a message from the House of Assembly to Council, which follows in these words:

A MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

Gentlemen:

The House of Assembly have taken into consideration the several amendments proposed to the bill entitled "An act for raising £21,000 for the service of the year 1786," and also the message from your honorable House containing the reasons upon which you proposed and still adhere to your amendments; but as the session draws near to a conclusion, time will not permit us

to state to the Council the principles which induce this House to reject divers of your amendments, yet, from a conviction of the necessity of giving efficacy to a bill so essentially requisite to the honor of the State and the dignity of the Federal Government, this House are desirous of adopting the most conciliatory and speedy measures to effect a concurrence of sentiment, and therefore propose to the Council a committee of conference on the subject matter of the disputed amendments, and have appointed Mr. Bedford, Mr. Patten, and Mr. Mitchell conferees on the part of this House.

Signed by order of the House of Assembly,

THOMAS DUFF, *Speaker*.

On motion of Mr. Tilton,

That this House appoint a committee of conferees to confer with the committee of the House of Assembly on the subject matter of the amendments proposed by Council to the bill for raising £21,000 for the service of the year 1786, and divers of them disagreed to by the House of Assembly before the Council shall be in possession of the reasons the House of Assembly had for such disagreement;

And the question being put, the yeas and nays were desired by Mr. Tilton, and are as follows, viz:

Yeas—Mr. Snow, Mr. Tilton, Mr. Baning.

Nays—Mr. Read, Mr. Neill, Mr. D. Polk.

The House being divided, Mr. Speaker gave his voice against the motion, and it was determined in the negative.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, June 23d, 1786, A. M.

Council met. Present the same members as yesterday.

Ordered, That the motion and resolution of the Council respecting the appointment of a committee of conferees to confer with the committee of the House of Assembly on the subject of the amendments proposed by the Council to the tax bill, before Council should be in possession of the reasons the House of Assembly had for such disagreement, be transcribed and sent to the House of Assembly, together with the following message from Council to the House of Assembly:*

Mr. Neill is appointed to deliver the said transcribed motion and resolution and the said message; who, being returned, reported the delivery thereof accordingly.

Mr. Mitchell, a member of the House of Assembly, attending, delivered to the Chair a bill for the suppression of idleness, vice, and immorality; which said bill was read.

On motion, by order,

The resolutions for negotiating a loan from the bank were read a second time, and after some time spent in the consideration thereof the same was rejected.

Ordered, That the same be returned to the House of Assembly. Said resolutions follow in these words:

IN THE HOUSE OF ASSEMBLY, June 21, 1786.

Resolved, That ——— be and are hereby appointed Commissioners on behalf of this State to negotiate a loan with the President, Directors, and Company of the Bank of North America, for any sum not exceeding fifteen thousand pounds, to be repaid in annual installments, to commence from the expiration of one year from the receipt of such money, on such terms and conditions as they shall think most advantageous to the interest of this State; and the said Commissioners are hereby authorized and empowered to pledge the faith and honor of this

* This message is omitted by the Clerk.

State for the repayment of the said sum, with an annual interest of six per centum on the same, till the whole principal is refunded, with the accruing interest thereon.

And the said Commissioners are further authorized and empowered to pledge the faith of this State (if the said President, Directors, and Company aforesaid should think it necessary,) that this State will pass a legislative act confirming any contract so entered into by their said Commissioners, and making provision therein for the repayment of the said money on the terms and conditions that may be agreed upon between the said Commissioners and the President, Directors, and Company aforesaid.

Extract from the secret journals, the members of the House of Assembly having been enjoined to secrecy respecting the preceding resolution.

JAS. BOOTH, *Cl'k of Assembly.*

Sent for concurrence.

Thus acted upon in Council, June 23, 1786. Read, considered and rejected.

STE. SYKES, *Cl'k of Council P. T.*

The Council adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

Mr. Nixon, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, viz: Resolutions appointing Commissioners, &c.; a resolution of Council respecting the canal business; with the paper of amendments proposed by the Council to the resolutions of the House of Assembly respecting the appointment of Commissioners, &c., on the trade of the United States, with the following message to the Council from the House of Assembly:*

* Omitted by Clerk.

On motion, the said message is referred to a committee of two, viz: Mr. Read and Mr. D. Polk, to report thereon, who are to state the reasons of Council for receding from their determination respecting the proposal of appointing a committee of conferees to confer on the subject matter of the amendments proposed to the tax bill.

On motion,

Ordered, That Mr. Read, Mr. Neill, and Mr. Baning be a committee of conferees to confer with the committee of the House of Assembly on the subject matter of the amendments proposed by Council to the bill for raising £21,000 for the service of the year 1786, and divers of them disagreed to by the House of Assembly.

Adjourned to 9 o'clock to-morrow morning.

SATURDAY, 24th June, 1786, A. M.

Council met. Present the same members.

The committee appointed to prepare an answer to the message from the House of Assembly to Council, and to whom the said message was referred to report thereon, now laid on the table the following message; which, by order, was read; the same, by special order, was read a second time and agreed to, in these words:*

The supplementary bill to the act for calling in and destroying the Bills of Credit, &c., was now read a third time, and an amendment being proposed and agreed thereto,

Ordered, That Mr. Tilton wait upon the House of Assembly with the said bill and paper of amendment, with the memorial of Simon W. Wilson.

Mr. Tilton, being returned, reported the delivery thereof according to order.

* Omitted by the Clerk.

The bill for the suppression of vice and immorality, was now read a second time, and some amendments proposed thereto and agreed to.

Ordered, That the said amendments be transcribed and sent, with the said bill, to the House of Assembly for their consideration and concurrence.

Ordered, That Mr. Snow wait upon the House of Assembly with the said bill and the paper of amendments proposed by Council thereto;

Who, being returned, reported the delivery, &c.

Ordered, That the resolution of Council yesterday afternoon respecting the appointment of conferees to confer with the committee of the House of Assembly on the subject matter of the amendments proposed by the Council to the bill for raising £21,000 for the service of the year 1786, be transcribed and sent to the House of Assembly; which was done, and, with the above message from Council to the House of Assembly, sent to the House of Assembly.

Ordered, That Mr. D. Polk wait upon the House of Assembly with the above resolution and message;

Who, being returned, reported the delivery thereof according to order.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

The committee of conferees appointed to confer with the committee of the House of Assembly on the subject matter of the amendments proposed by Council to the bill for raising £21,000 for the service of the year 1786, now made their report, to which Council agreed.

On motion,

Ordered, That the said bill be transmitted to the House of Assembly, together with the paper of amendments, as also with the paper of amendments proposed by the committee of conferees.

Ordered, That Mr. Craghead wait upon the House of Assembly with the aforesaid bill and several papers of amendments proposed thereto;

Who, being returned, reported the delivery thereof according to order.

On motion, that the sense of Council be taken whether Mr. Tilton have leave to enter at large upon the minutes of Council his reasons for disagreeing to sundry amendments proposed by Council to the bill for raising £21,000, &c., and for protesting against a message from the Council to the House of Assembly of the 22d instant, agreeable to leave then had and obtained of Council; and the question being put, it was resolved in the affirmative.

Whereupon Mr. Tilton laid on the table a paper exhibited as containing his reasons for his disagreement and protest, which follows in these words:

1st. Because the end proposed by the first amendment, for increasing the sum to be raised, and all the numerous amendments dependent thereon, is allowable in another way, and more to the advantage of the State. Instead of paying one-third of the requisition of the 4th of September, 1782, in specie, agreeably to the intention of this amendment, it is admitted the whole might be paid in facilities. By a separate provision then for this requisition, such as we have reason to believe the House of Assembly intend, our tax laws would be more simple and easily executed, more facilities might be brought into circulation, and as their value would be enhanced, they would circulate more currently and be of greater public utility; and in proportion as this State is enabled easily and speedily to comply with the requisitions of Congress, the Federal Government will be benefited.

2d. Because the Articles of Confederation expressly declare that the proportion of taxes to be raised by each State in the

support of the Federal Government, shall be laid and levied by the authority and direction of the Legislatures of the several States, *within the time agreed upon by the United States in Congress assembled*; and the United States have required the Legislatures of each State in the Union, to provide, in the act complying with their requisition of the 27 Sept., 1785, that, if on the first day of January, 1787, the said State's quota of facilities shall not be in the hands of the State Treasurer, or other proper officer, the deficiencies shall be collected and paid into the Continental Treasury, in specie; therefore the 44th amendment for postponing the completion of this collection until the 31st May, 1787, cannot be considered as a compliance with the said requisition, and this circumstance of time must be regarded as essential to the requisition, and not as a mere matter of form, as was *alleged and maintained in Council*.

3d. Because the 45th amendment, for authorizing and requiring the State Treasurer to exchange specie for facilities is contrary to the spirit and letter of the requisition with which our act is intended to be a compliance. This amendment will also have a manifest tendency to depreciate the facilities, and, if adopted, must prove injurious to the honor and interest of the State, by opening a partial and dangerous speculation at the State Treasury.

4th. Because the 46th amendment, in its original form, to enable the President with the advice of the Privy Council to suspend the operation of the tax laws, as well as in the amended form in which it now stands, to enable the President with the advice of the Privy Council to summon the General Assembly for the express purpose of taking cognizance of officers appointed by Congress, and accountable to them alone, must be considered as manifestly tending to an incroachment on the just rights and prerogatives of Congress, engaged for by the plighted faith of this State through their Delegates in Congress assembled. It also behoves Council to have a due regard to the honor of this State, by a strict conformity to the requisitions of Congress, and to be seriously concerned to guard against a measure which might induce that honorable body to consider our present act as a non-compliance with, or repugnant to, their late requisitions, whereby our constituents might be deprived of the benefits hereby proposed and held out to them.

5th. Because in the message of Council to the House of As-

sembly, with reference to the Commissioner of the Loan Office in this State, for not having issued interest certificates, or Loan Office certificates, and other certificates of liquidated debts, up to the end of the year 1782, to be received in discharge of taxes for fulfilling the requisition of 1784, it is said: "and what has lately happened still renders the provision in this clause the more necessary, and Council willingly hope that any jealousy that may have taken place will, by the present form of the amendment, be done away." As it was sufficiently explained to the understanding and conviction of the Council, previous to the sending of this message, that neither Congress nor their officers could have done more for the State than was done, and that so far as the State may have suffered an inconveniency, it must have been owing to the contingency in the death of the late Loan Officer, and neglect on the part of the State to procure another before an entire change took place in the system for conducting the Continental Treasury, whereby it became impracticable to afford relief to the State, but by a speedy compliance with the requisition of 1785. It therefore becomes the duty of this dissentient to declare and protest, that language importing jealousy or distrust of Congress, or their officers, is without foundation, altogether unmerited by the officers of Congress, and when adopted by Council tends directly to disturb the harmony and impair the mutual confidence which ought to subsist between this State and the United States.

J. TILTON.

Upon the entry of the papers delivered by Doctor Tilton, as aforesaid, it was thereupon observed to the House that the facts as stated therein, to which his reasons referred, were misrepresented and not truly stated.

Whereupon it was moved by Mr. Read, seconded by Messrs. Neill and Craghead, separately, that the sense of Council be taken with respect to those facts, and Council proceeded thereon as follows:

The first of which facts alleged to be misrepresented is as follows, to wit: "Instead of paying one-third of the requisition of 4th September, 1782, *in specie*, agreeably to the intention of this amendment, it is *admitted* the whole must be paid in facilities."

The question whether this fact is truly stated being put, it was resolved in the negative.

The second misrepresentation is as follows, to wit: "By a separate provision then for this requisition, such as we have reason to believe the House of Assembly intend."

The question whether this fact is truly represented being put, it was resolved in the negative.

The third, whether the following is a true representation of the facts, to wit: "The forty-sixth amendment, in its original form, to enable the President, with the advice of the Privy Council, to suspend *the operation of the tax laws*, as well as in the amended form in which it now stands, to enable the President, with the advice of the Privy Council to summon the General Assembly for the express purpose of *taking cognizance of officers* appointed by Congress and accountable to them alone."

And the question being put thereon, it was resolved in the negative.

The fourth misrepresentation is as follows, to wit: "*As it was sufficiently explained to the understanding and conviction of Council, previous to the sending of this message*, that neither Congress nor their officers could have done more for the State than was done."

The question whether this fact is truly represented or not being put, it was resolved in the negative.

Ordered, That Mr. Neill wait upon the House of Assembly with the resolution respecting the appointment of commissioners on commercial business, &c.; who, being returned, reported the delivery thereof according to order.

Mr. McCall, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, to wit: The bill for the suppression of idleness, vice, and immorality, with the paper of amendments proposed thereto by Council, and agreed to by the House of Assembly, and a paper of amendments proposed by the House of Assembly to the said bill; as also the resignation of James Tilton of the office of State Treasurer, with the following verbal message.

VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY.

Gentlemen:

The House of Assembly having taken into consideration your

message of Thursday last, declaring your readiness to meet this House for the purpose of putting into nomination persons to supply any vacancies necessary to be filled, by the choice of the General Assembly generally, or in conjunction with his Excellency, the President, propose to meet your honorable House in the Council Chamber forthwith, for the purpose of putting in nomination persons to be balloted for to fill the offices of State Treasurer, Judge of the Court of Common Pleas and Orphans' Court for Kent County, and a commissioner to complete a settlement of the accounts of this State with the United States.

The said papers were read, and the amendments proposed by the House of Assembly to the said bill for the suppression of idleness, &c., were acceded to by Council.

Ordered, That Mr. D. Polk wait upon the House of Assembly with the said bill and the several papers of amendments, and inform them that Council agree to the amendments proposed by that House to the said bill;

Who, being returned, reported the delivery thereof according to order.

The resignation of James Tilton, Esq., of his office of State Treasurer, being read, it appeared to have been thus acted upon by the House of Assembly:

IN THE HOUSE OF ASSEMBLY, June 24th, 1786.

The preceding resignation was presented to the House and read; thereupon

Resolved, That the said resignation be accepted upon condition that the said James Tilton continue to discharge the duties of his said office until the tenth of July next.

JAMES BOOTH, *Cl'k of Assembly*.

Thus acted upon in Council, June 24th, 1786. Read and concurred in.

STE. SYKES, *Cl'k C. P. T.*

The Council and the House of Assembly now met in the Council Chamber for the purpose of electing persons to fill the offices of State Treasurer, and of Judge of the Court of Common Pleas and Orphans' Court for the County of Kent, which office of

Judge is presently vacant by the death of Mr. Lockwood; and a Commissioner to complete a settlement of the accounts of this State with the United States.

Nomination of persons for State Treasurer.

Joshua Clayton, Esquire, by George Read, Esquire.

John Baning, Esquire, by John Patten, Esquire.

Nomination of persons for Judge of the Court of Common Pleas and Orphans' Court for Kent County.

Allen McLane, Esquire, by Mark McCall, Esquire.

Isaac Carty, Esquire, by William Clark, Esquire.

Richard Smith, Esquire, by John Patten, Esquire.

Thomas White, Esquire, by John Revell, Esquire.

James Bellach, Esquire, by Charles Nixon, Esquire.

Nomination for Commissioner to complete a settlement, &c.

Eleazer McComb, Esquire, by James Tilton, Esquire.

On motion,

Ordered, That Messrs. Clark, Nixon, and Mitchell be a committee to wait on his Excellency, the President, and inform him that the General Assembly will be convened in a quarter of an hour for the purpose of balloting for Judge of the Court of Common Pleas and Orphans' Court for the County of Kent.

The Houses then separated for a quarter of an hour.

The committee report that they waited on his Excellency, and he was pleased to say he was in readiness to attend the General Assembly. The gentlemen of the committee are desired to introduce him into the Council Chamber, who conducted him in accordingly, and he took his seat, when the Houses proceeded to the balloting for State Treasurer, and it appearing that the votes were unanimously in favor of Joshua Clayton, Esquire, as State Treasurer, he is declared to be duly elected.

Then the President and members of both Houses proceeded to ballot for second Judge of the Court of Common Pleas and Orphans' Court to supply the vacancy occasioned by the death of Richard Lockwood, Esquire, and it appearing that the votes were unanimously in favor of Richard Smith, Esq., thereupon the said Richard Smith is declared to be duly elected second

Judge of the Court of Common Pleas and Orphans' Court for the County of Kent.

They then proceeded to ballot for third Judge of the Court of Common Pleas and Orphans' Court in the stead of Richard Smith, late third Judge of the said Court, and it appearing that the votes were unanimously in favor of Thomas White, Esquire, thereupon the said Thomas White is declared to be duly elected third Judge of the Court of Common Pleas and Orphans' Court for the County of Kent.

The President and the members of the two Houses then proceeded to ballot for fourth Judge of the Court of Common Pleas and Orphans' Court in the stead of Thomas White, Esquire, and it appearing that there was a majority of votes in favor of James Bellach, Esquire, thereupon the said James Bellach is declared to be duly elected fourth Justice of the said Court for the County aforesaid.

The two Houses now proceeded to ballot for a Commissioner to complete a settlement of accounts of this State with the United States, and it appearing that the votes were unanimously in favor of Eleazer McComb, Esquire, thereupon the said Eleazer McComb is declared to be duly elected Commissioner to complete a settlement, &c.

Mr. Patten, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, to wit: "An act for raising twenty-three thousand six hundred and twenty-five pounds for the service of the year one thousand seven hundred and eighty-six;" "A supplementary act to an act entitled 'An act for calling in and destroying such of the Bills of Credit, emitted by virtue of any law of this State passed under the present or former government thereof, as are now outstanding, and for other purposes therein mentioned;'" "A supplementary act to an act entitled 'An act to invest the Congress of the United States with the power to levy the duties, &c.;'" "An act for the suppression of idleness, vice, and immorality;" a resolution for the payment of £60 to Jacob A. Killen, on account of printing work done for this State; a resolution for affixing the Great Seal to four laws passed the 24th June, 1786, together with the original draughts of the bills mentioned, and the several papers of amendments proposed and agreed to to the bill for raising £21,000, &c.

The resolution for the payment of £60 to Jacob A. Killen:

IN THE HOUSE OF ASSEMBLY, June 24, 1786.

On motion,

Resolved, That the Speakers of both Houses draw an order on the State Treasurer for the payment of sixty pounds to Jacob A. Killen, on account of printing work done for this State, he to be accountable.

JAS. BOOTH, *Cl'k of Assembly*.

Sent for concurrence.

Thus acted upon in Council, June 24th, 1786. Read and concurred in.

STE. SYKES, *Cl'k Council pro tem*.

Mr. Broom delivered a resolution of the House of Assembly for the payment of thirty-five pounds to his Excellency, the President, for his expenses in attending the General Assembly at their present session.

The said resolution was concurred in by Council; whereupon

Resolved, That an order be drawn on the State Treasurer for the payment of the said sum to his Excellency.

Which was accordingly done, and the said order signed by the Speakers of both Houses.

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the following bills, was read and concurred in by Council, and is as follows, viz:

IN THE HOUSE OF ASSEMBLY, June 24, 1786.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the following laws:

1. "A supplementary act to the act entitled 'An act to invest the Congress of the United States with the power to levy duties upon all goods, wares, and merchandise imported into this State

from beyond the seas, for a limited time, and to establish a fund for the payment of interest arising on the public debt;’ ”

2. “An act for the suppression of idleness, vice, and immorality;”

3. “A supplementary act to an act entitled ‘An act for calling in and destroying such of the Bills of Credit, emitted by virtue of any law of this State passed under the present or former Government thereof, as are now outstanding, and for other purposes therein mentioned;’ ”

4. “An act for raising twenty-three thousand six hundred and twenty-five pounds for the service of the year one thousand seven hundred and eighty-six.”

JAS. BOOTH, *Cl'k of Assembly.*

Sent for concurrence.

The Council allowed the following accounts, viz:

To the Hon. Thos. McDonough, Esq., Speaker,			
for 29 days' attendance and mileage, ...	£27	2	0
To George Craghead, Esq., for 29 do. do., . . .	19	1	4
To George Read, Esq., for 21 do. do., ...	14	2	0
To Silas Snow, Esq., for 25 do. do., ...	15	6	8
To James Tilton, Esq., for 24 do., ...	14	8	0
To John Baning, Esq., for 24 do., ...	14	8	0
To Joshua Polk, Esq., for 12 do. do., ...	8	5	4
To Henry Neill, Esq., for 8 do. do., ...	6	6	0
To Daniel Polk, Esq., for 13 do. do., ...	9	1	0
To Mr. Ste. Sykes, 24 do. as Clerk pro. tem., . .	15	16	10½
To James Newnam, for 26 do. as Doorkeeper, . .	10	10	0
To Mrs. Elizabeth Battell, for the use of a room			
during this sitting, ...	13	0	0
	£167	7	2½

On motion,

Resolved, That orders be drawn on the State Treasurer, and signed by the Speaker, for the payment of the several sums aforesaid. Whereupon said orders were drawn and signed.

Council adjourned to the 20th day of October next.

MEMBERS' NAMES.

FOR NEW CASTLE COUNTY :

GEORGE CRAGHEAD, *Speaker*, GEORGE READ,
 NICHOLAS VANDYKE.

FOR KENT COUNTY :

SILAS SNOW, JAMES TILTON, JOHN BANING.

FOR SUSSEX COUNTY :

HENRY NEILL, DANIEL POLK, ALEXANDER LAWS.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a session of the Council convened at Dover, October 20th, 1786, a sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Tuesday, the 24th of the same month, when there appeared as follows:

For New Castle County—George Craghead, Nicholas Vandyke.

For Kent County—Silas Snow, James Tilton, John Baning.

For Sussex County—Henry Neill, Alexander Laws.

And the said members being so met in Council, certain indentures, certifying the election of Nicholas Vandyke, Esquire, a member of Council for the County of New Castle; John Baning, Esquire, a member of Council for the County of Kent; and Alexander Laws, Esquire, a member of Council for the County of Sussex, were respectively produced and read, whereby it appeared to the Council that they were severally duly elected to represent the said Counties as members of the Legislative Council of the Delaware State, at the last annual election held in the said Counties of New Castle, Kent and Sussex, on the second day of this instant, October, (the first day being Sunday,) for three years next ensuing the said election.

The Council proceeded to the choice of a Speaker, and the Honorable George Craghead, Esquire, was unanimously chosen.

Mr. Baning and Mr. Laws took and subscribed the oath of

fidelity and the declaration of faith prescribed by the Constitution. [*See note on page 10.*]

On motion, by order,

The rules to be observed by members of Council during the sitting thereof, made and agreed to in the year 1776, were read.

Resolved thereupon, That the above mentioned rules be the Rules of this House during the present session, with this addition, proposed by Mr. Tilton:

6. That from and after the first day of meeting, during the sitting of Council, it shall be the first business of every day to read, and correct (if necessary), the minutes of the preceding day.

Adjourned till 3 o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present the same members as in the forenoon, except Mr. Vandyke.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, October 25th, A. M.

Council met. The minutes of yesterday were read.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Vandyke took the oath of fidelity to the State and subscribed the same and declaration of faith, and took his seat in Council.

Mr. Read appeared in Council and took his seat.

Mr. Moore, a member of Assembly, attending, was admitted and delivered to the Chair a verbal message from the House of Assembly, which, on motion, by order, was read, and follows in these words, viz:

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
WEDNESDAY, P. M., October 25th, 1786.

On motion,

Ordered, That Mr. Moore wait on the Council with the following verbal message:

Gentlemen :

The place of President and Commander-in-Chief of this State being now vacant, by the expiration of the term limited by the Constitution to the late President, the House of Assembly propose, to the honorable the Council, that both Houses of the General Assembly meet, in the Council Chamber, to-morrow, at four o'clock in the afternoon, for the purpose of nominating persons, out of whom one shall be elected by ballot to be President and Commander-in-Chief of this State; and that both Houses do also, at the same time and place, nominate persons to be balloted for to represent this State in the Congress of the United States, from the first Monday in November next until the first Monday in November in the year one thousand seven hundred and eighty-seven.

JAS. BOOTH, *Cl'k of Assembly*.

On motion, that a committee of three be appointed to bring in a bill to alter, amend, and continue the act entitled "An act for the auditing and arranging the accounts of this State, and for the more effectual settlement of the same," ordered, thereupon, that

Messrs. Read, Vandyke, and Laws be a committee for that purpose.

Mr. Neill, having urgent business to transact at home, requested leave of absence for the remaining part of this week, which is granted.

Adjourned to ten o'clock to-morrow morning.

THURSDAY, October 26th, A. M.

Council met. The minutes of yesterday were read.

The verbal message from the House of Assembly respecting the meeting of both Houses, in the Council Chamber, at four o'clock this afternoon, in order to put in nomination persons, one of whom to be elected President and Commander-in-Chief of this State, and also persons to represent this State in the Congress of the United States, was read a second time and concurred in.

Ordered, That Mr. Laws wait on the House of Assembly and return the said verbal message, concurred in by Council;

Who, being returned, reported he had delivered the message according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Gordon, a member of Assembly, attending, was admitted and delivered to the Chair the following papers, viz: A message from the President of the 24th October, 1786; a letter from the Secretary of Congress, notifying the election of a President, June

6th, 1786; communication from the American Minister at Paris, respecting contracts for tobacco; and a letter from the Secretary for Foreign Affairs, of April 26th, 1786; a letter from the Secretary for Foreign Affairs, communicating Mr. Adams' letter, &c., July, 1786; communications from the American Minister at the Court of London, 4th March, 1786; representation in Congress for June, July, August and September, 1786; letter from the Secretary of Congress; resolution respecting negroes taken off by the British; resolution of Congress and letter from the Secretary touching their claim upon the different States to comply with the formation of the Sovereignty of the Union, and sending forward their delegates; appointment of commissioners, by Rhode Island, for the purpose of forming commercial regulations; letter from Secretary of Congress, 4th October, 1786; ordinance for regulation of Indian affairs, 7th Aug., 1786; letter from Secretary of Congress, 1st July, 1786; letter from Secretary of Congress of September 5th, 1786; letter from the Board of Treasury of September 25th, 1786; requisition of Congress of 2d August, 1786; resolutions for ascertaining the standard and money unit of the United States; address from the Commercial Convention at Annapolis of 14th September, 1786; letter from the Chairman of the Commercial Convention of Sept. 21st, 1786; resolution of Congress on the subject of paper money, Sept. 18th, 1786; resolution of Congress, recommending a cession of western territory, of the 9th of August, 1786; a letter from the Secretary of Congress, of the 12th August, 1786; and a letter from the Secretary of Congress, of 2d October, 1786; which, by order, were severally read.

Mr. McCall, a member of Assembly, attending, was admitted and informed the Council that the House of Assembly were ready to attend Council on the business of putting in nomination persons for President and Delegates to Congress.

On motion,

Ordered, That Mr. Snow wait on the House of Assembly and inform them that Council were ready to receive them, in their Chamber, on the above mentioned business;

Who, being returned, reported he had delivered the message committed to his charge.

The House of Assembly, now attending in the Council Cham-

ber, agreeable to the order of the day, to put in nomination persons, one of whom to be elected President and Commander-in-Chief of this State, and also persons to represent this State in the Congress of the United States.

Nominated for President, &c.—Thomas Collins, Esquire, by Mr. Broom.

On motion,

Resolved by both Houses, That three Delegates be elected to represent this State in the Congress of the United States.

The nomination for Delegates for Congress was then proceeded in.

Mr. Broom proposes Nicholas Vandyke, Esquire.

Mr. Rodney proposes Gunning Bedford, Esq., of New Castle.

Mr. Polk proposes Major Nathaniel Mitchell.

Mr. Read proposes Alexander Porter, Esquire.

Mr. Gordon proposes Thomas Rodney, Esquire.

Mr. Snow proposes Major John Patten.

Mr. McCall proposes Isaac Carty, Esquire.

Mr. Hyatt proposes William Peery, Esquire.

Mr. Shankland proposes Col. John Jones.

Then the two Houses separated.

Council adjourned to 10 o'clock to-morrow morning.

FRIDAY, October 27, A. M.

Council met. The minutes of yesterday were read.

Mr. Duff, a member of Assembly, attending, was admitted and delivered to the Chair a verbal message from the House of Assembly, which follows in these words, viz:

A VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE
COUNCIL.*Gentlemen :*

The House of Assembly propose to the honorable the Council that both Houses of the General Assembly meet, in the Assembly Room, at four o'clock this afternoon, for the purpose of electing, by ballot, out of the persons put in nomination yesterday, a President of this State, and Delegates to represent the State in the Congress of the United States.

Friday, A. M., October 27th, 1786.

Which, by order, was read.

The committee appointed to bring in a bill to alter, amend, and continue the act entitled "An act for auditing and arranging the accounts of this State, and for the more effectual settlement of the same," do now report that they had essayed a draught of a bill for that purpose, which they laid on the table.

On motion, by order, the same was read, and, by special order, read the second time, and it shall pass.

Ordered, on motion, that Mr. Snow wait on the House of Assembly with the said bill, for concurrence, and the verbal message concurred in by Council.

Adjourned to 3 o'clock.

FRIDAY, Oct. 27th, P. M.

Council met.

Mr. Snow reported that he had delivered the papers committed to his charge to the House of Assembly, according to order.

Mr. McCall, a member of Assembly, attending, was admitted and informed Council that the House of Assembly were ready to receive them for the purpose of balloting for the President of the State and members of Congress to represent this State in the Congress of the United States.

The Council attended the House of Assembly in order to ballot for a President and Commander-in-Chief of this State, and also members of Congress from this State to the Congress of the United States, and the votes being received by the Speakers for President, and read, it appeared that Thomas Collins, Esq., was unanimously chosen, and is declared duly elected as President and Commander-in-Chief of this State.

The two Houses then proceeded to the choice of three persons for Delegates in Congress, and the votes being received by the Speakers and read, it appeared that Thomas Rodney, Nathaniel Mitchell, and Gunning Bedford, Esquires, were chosen by a majority of votes and are declared duly elected.

On motion,

Resolved by both Houses, That the Speakers inform Mr. Collins of his being elected President and Commander-in-Chief of this State, and require his answer to-morrow whether he will accept the same.

Then the two Houses separated.

Council adjourned to 10 o'clock to-morrow morning.

SATURDAY, 28th, A. M.

Council met. The minutes of yesterday were read.

The Speaker informed Council that the Speakers of the two Houses had written a letter to Mr. Collins, agreeable to the order of yesterday; that this morning they received an answer to the same.

On motion, by order, the letter from Mr. Collins was read, wherein he expresses his high sense of the honor conferred upon him by his being elected to that honorable office by the unanimous voice of the General Assembly, that therefore, however unqualified he may consider himself for filling that station, he shall accept it.

Ordered, on motion, that Mr. Tilton wait on the House of Assembly and deliver to the Speaker thereof the letter from Mr. Collins;

Who, being returned, reported that he had delivered the same according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Polk, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for suspending executions for a limited time;" which, on motion, by order, was read.

Ordered to lie on the table.

Mr. Davis, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for continuing an act entitled 'An act for the auditing and arranging the accounts of this State, and for the more effectual settlement of the same,' " with a resolution of that House of their intending to adjourn the present sessions this evening to some future day; which, on motion, by order, were severally read.

By special order, the said bill last mentioned was read a second time, and it shall pass.

On motion,

Ordered, That a certificate of the appointment of the Honorable Thomas Collins, Esq., to the office of President and Commander-in-Chief of the State, signed by the Speakers of the two Houses, and sealed with the Great Seal of the State, be made out and delivered to Mr. Collins.

On motion,

Resolved, That the Speaker of the Council be authorized to

administer as well the oath of allegiance and declaration of faith as the oath of office, to the Honorable Thomas Collins, Esquire, now appointed President and Commander-in-Chief of this State, as directed by the twenty-second section of the system of Government, and that the same be certified into the Secretary's office.

On motion,

Ordered, That Mr. Laws wait on the House of Assembly and deliver the order and resolution of Council respecting the qualifying the Honorable Thomas Collins as President of this State, for their concurrence; and also to return the bill for continuing the act for auditing and arranging the accounts of this State, &c., concurred in by Council;

Who, being returned, reported the delivery thereof according to order.

Mr. Porter, a member of Assembly, attending, was admitted and delivered to the Chair a report of the Auditor respecting a tombstone erected over the grave of Col. Haslet.

On motion, by special order,

The bill entitled "An act for suspending executions for a limited time," was read a second time, and after some observations thereon, is by Council disagreed to.

Mr. Evans, a member of Assembly, attending, was admitted and delivered to the Chair the resolution and order respecting the qualifying the Honorable Thomas Collins, Esq., as President of this State, concurred in by the House of Assembly; also the certificate of the appointment of Mr. Collins President and Commander-in-Chief of this State, with the Great Seal thereunto affixed, and signed by the Speaker of that House.

The report of the Auditor concerning the tombstone over the grave of Col. Haslet, was read and concurred in.

Ordered, That the Speaker of Council sign an order in favor of Eleazer McComb, Esq., for £5 : 14 : 6, the balance remaining due to the workmen for that tombstone.

On motion,

Ordered, That Mr. Snow wait on the House of Assembly and return the bill entitled "An act for suspending executions for a limited time," disagreed to by Council; also the report of the Auditor with respect to Col. Haslet's tombstone, agreed to by Council.

Adjourned for half an hour.

Council met according to adjournment.

The Speaker now reported that, in pursuance of the direction of the General Assembly, he had proceeded to administer the oath of fidelity to the State and the oath of office to his Excellency Thomas Collins, Esquire, President and Commander-in-Chief of this State, and that he took and subscribed the declaration of faith in his presence, and that he had delivered him the certificate of his appointment, signed by the Speakers of both Houses, and certified the same into the Secretary's office.

On motion,

Ordered, That the following accounts be allowed, and that orders be drawn and signed by the Speaker for the same; which was done accordingly, to wit:

To the Honorable George Craghead, Speaker, for 7 days' attendance and mileage, ...	£7 16 0
To George Read, Esq., for 6 days' attendance and mileage, ...	5 2 0
To Nicholas Vandyke, Esq., for 7 days' attendance and mileage, ...	5 7 4
To Silas Snow, Esq., for 7 days' attendance and do., ...	4 10 8
To James Tilton, Esq., for 7 days' attendance, ...	4 4 0
To John Baning, Esq., for 7 days' attendance, ...	4 4 0
To Henry Neill, Esq., for 3 days' attendance and mileage, ...	3 6 6
To Alexander Laws, Esq., for 7 days' attendance and do., ...	5 6 0
<i>Carried forward</i> , ...	£ 39 16 6

<i>Brought over</i> , ...	£ 39 16 6
To James Sykes, Esq., for 9 days' attendance and paper, ...	5 17 10
To James Sykes, Esq., for cash paid George Rowon, for a press to keep the papers of Council, . . .	4 5 0
To James Newnam, Doorkeeper, for attendance and riding express, ...	4 0 0
To Mrs. Elizabeth Battell, for the use of a room, fire-wood and candles, ...	5 0 0
	£ 58 19 4

Mr. Grantham, a member of Assembly, attending, was admitted and delivered to the Chair an engrossed bill entitled "An act for continuing an act entitled 'An act for the auditing and arranging the accounts of this State, and for the more effectual settlement of the same,'" signed by the Speaker of that House; a resolution for affixing the Great Seal to that law, and an order for £5 : 14 : 6, the balance remaining unpaid on Col. Haslet's tombstone, signed by the Speaker of that House also.

On motion,

Ordered, That the Speaker of Council sign the order in favor of Eleazer McComb for £5 : 14 : 6, the balance unpaid on Col. Haslet's tombstone.

Which was done accordingly, and the resolution for affixing the Great Seal to the last mentioned bill concurred in.

The said bill was read and compared, and, by order, signed by the Speaker.

On motion,

Ordered, That Mr. Laws wait on the House of Assembly and return the last mentioned bill and resolution for affixing the Great Seal thereunto.

Mr. Broom, a member of Assembly, attending, was admitted and delivered to the Chair a notification from the House of Assembly that they had adjourned to Monday, the eighth day of January next.

Then Council adjourned to the ninth day of January next.

MINUTES OF COUNCIL.

1787.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1787.

JANUARY 9th, 1787.

Council met agreeable to adjournment. Present Mr. Craghead, Mr. Read, Mr. Tilton, Mr. Banning, Mr. Polk, and Mr. Laws.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, 10th, A. M.

Council met and adjourned to 10 o'clock to-morrow morning.

THURSDAY, 11th, A. M.

Council met and adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council met. Mr. Snow appeared and took his seat.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, January 12th, A. M.

Council met. Present the same members as on yesterday.
Adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present the same members.
Adjourned to 10 o'clock to-morrow morning.

SATURDAY, January 13th, A. M.

Council met.

Mr. McCall, a member of Assembly, was admitted and delivered to the Chair a resolution of that House, which, by order, was read, and follows in these words, viz:

IN THE HOUSE OF ASSEMBLY,

FRIDAY, A. M., Jan. 12, 1787.

On motion,

Resolved unanimously, That this House will not take into consideration any new business within the space of two days before the conclusion of the sitting of this House, and that a copy of this resolution be sent to the Council for their information.

JAS. BOOTH, *Cl'k of Assembly*.

Adjourned to 4 o'clock, P. M.

EODEM DIE, P. M.

Council met. Mr. Vandyke appeared in the House and took his seat.

Adjourned to Monday morning next at 10 o'clock.

MONDAY, January 15th, A. M.

Council met and adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Mr. Neill appeared in the House and took his seat.

The committee to whom was referred the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," now reported the same, which they submitted to the consideration of the House.

On motion, ordered, that the said bill be taken up and proceeded upon to-morrow morning.

Mr. Read presented to the Chair a letter from Gunning Bedford, Esquire, Prothonotary of New Castle County, addressed to the General Assembly of this State, which, on motion, was read, wherein he acknowledged the honor done him by his appointment to the important trust of one of the Delegates from this State to the United States in Congress, and representing that, from his present situation, he could not give that attendance there which he apprehends necessary, and humbly requests that he may be excused from that duty, and that some other person may be appointed in his place.

On motion,

Ordered, That Mr. Polk wait on the House of Assembly and deliver the letter aforesaid;

Who, being returned, reported that he had delivered the same according to order.

Adjourned to ten o'clock to-morrow morning.

TUESDAY, January 16th, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Agreeable to the order of the day, Council took up and proceeded to the reading, by paragraphs, the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," which, after some time spent therein, is deferred to further consideration until the afternoon.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, and resumed the consideration of the last mentioned bill, and after sundry paragraphs being read and agreed to, the further consideration thereof is deferred till to-morrow morning.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, January 17, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Council proceeded to reading the remaining parts of the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned,"

and after some progress made therein, is postponed till the afternoon.

Mr. Porter, a member of Assembly, attending, was admitted and delivered to the Chair the accounts of John McKinly, Esq., with the amendments proposed by Council thereunto, to which the House of Assembly acceded; also a general statement of the monies due from this State to him, and resolutions of that House that orders be drawn on the State Treasurer in his favor for the same, signed by the Speakers of both Houses, and sent to Council for concurrence.

Ordered to lie on the table.

Adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present all the members.

The Speaker presented a letter from Mr. William Winder, Commissioner for settling the accounts between the State of Delaware and the United States; which, by order, was read and referred to a committee of three, to report thereon.

Whereupon Messrs. Vandyke, Tilton, and Laws are appointed a committee for that purpose.

The statement of the accounts of John McKinly, Esquire, as agreed to by the House of Assembly, was read and concurred in.

Resolved, That the Speaker of Council sign the orders to be drawn in favor of the said John McKinly for the sums and in the manner as specified in the resolutions sent up by the House of Assembly, and concurred in by Council, are expressed.

On motion,

Ordered, That Mr. Snow wait on the House of Assembly with the accounts of John McKinly, Esquire, and the statement thereof made by that House and acceded to by Council.

Who, being returned, reported he had delivered the same according to order.

Council resumed the consideration of the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," and after some time spent therein, is deferred till to-morrow morning.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, January 18th, A. M.

Council met. Present all the members.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to prevent the exportation of slaves from this State to either of the Carolinas. Georgia, or the West Indies, and for other purposes," for the consideration and concurrence of Council.

On motion, by order, the said bill was read.

Council resumed the consideration of the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," completed the reading thereof, agreed to sundry amendments, and it shall pass and be sent to the House of Assembly for consideration and concurrence.

Ordered, That Mr. Neill wait on the House of Assembly and deliver the said bill;

Who, being returned, reported the delivery thereof according to order.

The committee to whom was referred the letter of Mr. Winder now reported thereon.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion, by order, the report of the committee to whom was referred the letter of Mr. Winder, was read and acted upon, as follows:

WHEREAS it appears from the representation of Mr. Commissioner Winder that there remains in his office a few claims for supplies furnished and services rendered to the United States by citizens of this State, some of which he, the said Commissioner, cannot liquidate and settle without further evidence, and other of those claims, though sufficient evidence of the same, that none of the persons to whom they appear to be due, or any others authorized to receive them and give discharges, have applied to the Commissioner, and the term of his appointment will shortly expire; therefore

Resolved, That James Booth, Esq., the Secretary, is hereby appointed and authorized to receive from the Commissioner aforesaid all and every of the accounts and claims for supplies as aforesaid whereof the said Commissioner shall not have sufficient evidence, in his opinion, to liquidate and settle, and also all and every certificate which may be issued by the said Commissioner, in discharge of the balances of the aforesaid claims, which he may liquidate before the term of his office shall expire, belonging to or in favor of any citizen of this State; and that Mr. Secretary give his receipt to the Commissioner for the same, which, in the opinion of this General Assembly, ought to be considered as a sufficient voucher to discharge the said Commissioner from the claim of the parties entitled to such certificates or accounts.

Resolved also, That the Secretary forthwith, after such delivery and receipt from the Commissioner, notify the persons interested in such accounts and certificates of their being in his possession for their use, and on their respective applications to deliver over the same, taking receipts therefor, and from time to time report his proceedings in the premises to the General Assembly.

On motion,

Ordered, That Mr. Laws wait on the House of Assembly and deliver Mr. Commissioner Winder's letter, and the resolutions of Council founded thereupon, for consideration and concurrence;

Who, being returned, reported the delivery thereof.

On motion, by order,

The bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, who shall be a body corporate for the purpose of taking care of the temporalities of their respective congregations," is to be taken into consideration to-morrow morning.

On motion, by order,

The bill entitled "An act to prevent the exportation of slaves from this State to either of the Carolinas, Georgia, or the West Indies, and for other purposes," was read a second time.

Adjourned to ten o'clock to-morrow morning.

FRIDAY, January 19th, 1787, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Doctor Evans, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to compel executors to give security for the faithful discharge of the duty reposed in them by their testators."

On motion, by order, the last mentioned bill was read.

Agreeable to the order of the day, Council proceeded to the consideration of the bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, &c.," and after some time spent therein is deferred until the afternoon.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members, and resumed the consideration of the last mentioned bill, which, being read by paragraphs, sundry amendments were proposed and agreed to, and it shall pass.

On motion,

Ordered, That Mr. Snow wait on the House of Assembly with this bill, for their consideration and concurrence, with the petitions on that subject;

Who reported the delivery thereof.

Messrs. Laws and Neill have leave of absence until Tuesday evening next.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, January 20th, A. M.

Council met. Present all the members, except Messrs. Tilton, Neill, Laws, and Polk.

Mr. McCall, a member of Assembly, was admitted and returned to the Chair the bill entitled "An act for the amending and continuing the provisions made in the act entitled 'An act for the auditing and arranging the accounts of this State, and for the more effectual settlement of the same,' " sent to that House for consideration and concurrence, with sundry amendments proposed thereto by the House of Assembly; which amendments were, on motion, by order, read.

Adjourned to 10 o'clock on Monday morning next.

MONDAY, January 22d, 1787, A. M.

Council met and adjourned to 10 o'clock to-morrow morning.

TUESDAY, 23d, A. M.

Council met. Present all the members, except Messrs. Neill, Polk and Laws.

The minutes of Saturday were read.

Mr. Speaker laid a letter on the table from John Dickinson, Esquire, addressed to him, recommending Mr. John Fitch as a person who is endeavoring to introduce the use of steam engines into this country, &c.

On motion, by order, the letter was read and referred to a committee of three, viz: Messrs. Vandyke, Snow, and Tilton, who are to report thereon.

On motion, by order, the amendments proposed by the House of Assembly to the bill entitled "An act for amending and continuing the provisions made in the act entitled 'An act for the auditing and arranging the accounts of this State, &c.,'" was read a second time.

On motion, by order,

The bill entitled "An act to compel executors to give security, &c.," was read a second time.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members as in the forenoon.

The committee to whom was referred Mr. Dickinson's letter in favor of Mr. Fitch, now reported that they had conversed with Mr. Fitch on the subject, that he informed them he had applied to the House of Assembly respecting the matter mentioned in that letter, and the committee, expecting the Council would receive communications from that House, thought it unnecessary to make further inquiry of Mr. Fitch relative thereto.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, January 24th, A. M.

Council met. Present all the members, except Messrs. Neill and Polk.

The minutes of yesterday were read.

Mr. Cannon, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to enable the owners and possessors of a certain parcel of marsh, meadow, and cripple, hereinafter described, situate on Little St. Georges Creek, in St. Georges Hundred, in New Castle County, fronting the River Delaware, to keep the banks, dams, sluices and floodgates thereof in repair," with the petition of the owners and possessors thereof, and a newspaper, containing an advertisement giving notice of their intended application to the General Assembly for leave to bring in the said bill.

Mr. Gordon, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to appoint Edward Oldham and Mary, his wife, trustees to take care of the property of Joseph Ensor, an idiot," together with a petition for leave to bring in such a bill, and two acts of the Legislature of the State

of Maryland thereon so far as the estate of said Joseph is within that State.

On motion, by order,

The bill entitled "An act for amending and continuing the provisions made in the act entitled 'An act for the auditing and arranging the accounts of this State, &c.,'" was taken into consideration, with the amendments proposed by the House of Assembly thereunto, all of which was agreed to but the 3d and 4th, to which Council proposed amendments.

On motion,

Ordered, That Mr. Laws wait on the House of Assembly and return the said bill and amendments, and the proposed amendments of Council, for their consideration and concurrence;

Who, being returned, reported the delivery thereof.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, by order,

The bill entitled "An act to enable the owners and possessors of a certain parcel of marsh, meadow, and cripple on Little St. Georges Creek, in New Castle County, &c.," was read.

On motion, by order,

The bill entitled "An act to appoint Edward Oldham and Mary, his wife, to take care of the property of Joseph Ensor, an idiot," with the petition and papers accompanying the same, were read.

Mr. Neill, who had leave of absence, now appeared.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, January 25th, A. M.

Council met. Present all the members, Mr. Polk, who had leave of absence, having now appeared.

The minutes of yesterday were read.

On motion, ordered,

That the bill entitled "An act to prevent the exportation of slaves from this State, &c.," be taken up and considered to-morrow morning.

On motion, ordered,

That the bill entitled "An act to oblige executors to give security, &c.," be taken up and proceeded upon on Tuesday morning next.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion, by order,

The bill entitled "An act to appoint Edward Oldham and Mary, his wife, trustees of the estate of Joseph Ensor," was read, by paragraphs, and some amendments proposed thereunto.

On motion,

Ordered, That Mr. Polk wait on the House of Assembly and return the said bill with the amendments, as also the papers that accompanied the same;

Who, being returned, reported the delivery thereof.

Mr. Hayes, a member of Assembly, was admitted and de-

livered to the Chair the bill entitled "An act for amending and continuing the provisions made in the act entitled 'An act for the auditing and arranging the accounts of this State, &c.,' " with the amendments of Council to those of the House of Assembly, to the first of which that House had disagreed, and to the second had agreed; also returned the bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, &c.," with some amendments proposed thereunto.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, January 26th. A. M.

Council met. Present all the members.

The minutes of yesterday were read.

On motion, by order,

The amendments proposed by the House of Assembly to the bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, &c.," were taken into consideration—the first and third whereof were agreed to, the second and fourth disagreed to.

On motion,

Ordered, That Mr. Neill wait on the House of Assembly and return the said bill and amendments thus acted upon by Council;

Who, being returned, reported the delivery thereof.

Agreeable to the order of the day, Council took into consideration the bill entitled "An act to prevent the exportation of slaves to either of the Carolinas, &c.," which, after some time spent therein, on motion, is referred to a committee of three, viz: Messrs. Vandyke, Neill, and Tilton, to report thereon.

On motion, by order, the several papers sent by the House of Assembly, by Mr. Gordon, a member of that House, to Council, on the 26th of October, 1786, were now returned by Mr. Neill,

except the address from the commercial convention at Annapolis and the letter from the chairman of that convention, which were retained.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, and adjourned to 10 o'clock to-morrow morning.

SATURDAY, January 27th, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Doct. Evans, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to regulate marriages," for consideration and concurrence; and returned the resolutions of Council concerning Mr. Commissioner Winder's letter, concurred in by the House of Assembly.

On motion, by order, the said bill, to regulate marriages, was read.

Mr. Davis, a member of Assembly, was admitted and delivered to the Chair the bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, &c.," with the

amendments proposed by that House to the same, to which Council had proposed amendments, to which the House of Assembly had acceded.

On motion, ordered that the said bill be engrossed.

Adjourned to 10 o'clock on Monday morning.

MONDAY, January 29th, 1787, A. M.

Council met. Present the same members as on Saturday.

On motion, by order, the minutes of Council on Saturday last were read.

On motion, by order,

The bill entitled "An act to regulate marriages," was read a second time, and the question being put, the same was unanimously rejected.

On motion,

Ordered, That Mr. Laws wait upon the House of Assembly with the aforesaid bill, as rejected by Council;

Who reported the delivery thereof accordingly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

The committee to whom the bill to prevent the exportation of slaves to either of the Carolinas, &c., was committed, now reported several amendments; which, by order, were read.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, January 30th, 1787, A. M.

Council met. Present the same members.

The minutes of yesterday were read.

Mr. Gordon, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, to wit: A resolution of that House respecting their adjournment on Saturday next to some future day; an act for securing to John Fitch an exclusive right of constructing the steamboat by him invented, &c.; the petition of John Fitch, with the papers accompanying the same; an act relinquishing the right of this State to the confiscated property late of James Welch, deceased, with the petition and other papers inclosed in the same; a supplementary bill to the act for the recovery of public money due from the estate of J. Vining, Esq.; the memorial of John Vining, and the report thereon; and the bill for the settlement of the Wilmington lottery, with a petition of William Smith, D. D., a petition of the Managers of the Wilmington Lottery, &c., and the article for appropriating the Wilmington lottery; all which papers were read.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

The bill entitled "An act to compel executors to give security, &c.," was now taken into consideration, and several amendments proposed to the same, which were read and agreed to.

Ordered, That the aforesaid amendments be transcribed and sent to the House of Assembly for their consideration and concurrence; which was done accordingly.

Ordered, That Mr. Polk wait upon the House of Assembly

with the aforesaid bill, with the amendments proposed thereto by Council;

Who reported the delivery thereof accordingly.

On motion,

Resolved, That Council go into the second reading of the bill entitled "An act for securing to John Fitch an exclusive right of constructing the steamboat, &c.," to-morrow morning.

On motion,

Resolved unanimously, That Council will not sit for the purpose of transacting business after the hour of eleven on Saturday evening.

Ordered, That a copy of this resolution be sent to the House of Assembly for their information.

Ordered, That Mr. Polk wait upon the House of Assembly with the foregoing resolution;

Who delivered the same accordingly.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, January 31st, 1787, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Agreeably to the order of yesterday, the bill entitled "An act for securing to John Fitch an exclusive right of constructing the steamboat by him invented, &c.," was read a second time, and after some time spent therein, the same was postponed for further consideration.

On motion, by order,

The bill entitled "A supplement to an act entitled 'An act for the recovery of one thousand five hundred and fifty-three pounds eighteen shillings and six pence, due from the estate of John Vin-

ing, Esq., &c.,' '' was read a second time, and several amendments proposed thereto, which were agreed to.

Ordered, That the said amendments be transcribed, and that Mr. Polk wait upon the House of Assembly with the aforesaid bill and the amendments proposed thereto, for their consideration and concurrence;

Who reported the delivery thereof.

The Council now took into their consideration the bill entitled "An act for relinquishing the rights of this State to the confiscated property late of James Welsh, deceased," and an amendment to the same was proposed and agreed to.

Ordered, That the aforesaid amendment be transcribed, and that Mr. Polk wait upon the House of Assembly with the said bill and the amendment proposed thereto;

Who reported the delivery thereof.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion, by order,

The bill entitled "An act for the settlement of the accounts of the Wilmington lottery," was read a second time.

On motion, by special order, the said bill was read by paragraphs, and some amendments proposed and agreed to.

Ordered to be transcribed, and that Mr. Snow wait on the House of Assembly therewith, with the papers that accompanied the same;

Who reported the delivery thereof.

Mr. Hayes, a member of Assembly, was admitted and deliv-

ered to the Chair the bill entitled "An act to compel executors to give security, &c.," with some amendments proposed by that House to the amendments of Council, which, by order, were read and acceded to.

Ordered, That Mr. Snow wait on the House of Assembly and return the said bill and amendments of that House to the amendments of Council, now acceded to;

Who reported the delivery thereof.

On motion, by order,

The bill entitled "An act to prevent the exportation of slaves to either of the Carolinas, &c.," was read the third time by paragraphs, and several amendments were proposed and agreed to.

Ordered, That the said amendments be transcribed and sent to the House of Assembly for their consideration and concurrence.

Adjourned to 10 o'clock to-morrow morning.

FEBRUARY 1ST, 1787, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Ordered, That Mr. Neill wait upon the House of Assembly with the bill entitled "An act to prevent the exportation of slaves, &c., with the amendments proposed thereto by Council;

Who reported the delivery thereof accordingly.

Mr. Davis, a member of Assembly, was admitted and delivered to the Chair the following papers: The Auditors's report upon the petition of William Killen, Esq., with two petitions accompanying the same; an act for enabling Sydenham Thorne to erect a mill-dam across Mispillion Creek, &c., with the papers accompanying the same.

On motion, by order,

The bill entitled "An act for enabling Sydenham Thorne to erect a mill-dam across Mispillion Creek, and for the condemnation of a small piece of fast land on the Sussex side of the said creek for the use of a grist-mill," with the petition and remonstrance for and against the said bill, and the report of a committee of Assembly upon that business, were severally read.

Also the petition of William Killen, Esquire, on the subject of Col. Haslet's affairs, the petition of the children of Col. Haslet, and the report of the Auditor thereon, were severally read.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met:

Mr. Polk, a member of Assembly, attending, was admitted and delivered to the Chair the bill entitled "An act to prevent the exportation of slaves, &c.," with a paper of amendments proposed by that House to the amendments proposed by Council to the aforesaid bill.

On motion, by order,

The bill for securing to John Fitch an exclusive right of constructing and using the steamboat, &c., was read the third time by paragraphs and passed the House.

On the question being put, "Whether Council agreed to the first paragraph?" it was carried in the affirmative; upon which the yeas and nays were required by Mr. Read, and are as follows:

Yeas—Mr. J. Tilton, Mr. John Baning, Mr. Silas Snow, Mr. Nicholas Vandyke, Mr. Daniel Polk, Mr. Henry Neill.

Nays—Mr. Read, Mr. Laws.

The question being put upon the second paragraph, it was

carried in the affirmative. The yeas and nays were required, as above, and were as upon the first paragraph.

Ordered, That Mr. Neill wait upon the House of Assembly with the bill for securing to John Fitch an exclusive right of constructing and using the steamboat, &c., as concurred in by Council; and the bill to prevent the exportation of slaves, &c., with the paper of amendments proposed thereto by Council, and the paper of amendments proposed by the House of Assembly to those proposed by Council, as agreed to by Council.

Who, being returned, reported the delivery thereof.

On motion, by order, the petitions from Wm. Killen, Esq., and the children of Col. Haslet, and the report of the Auditor thereon, were severally read, and the report of the Auditor agreed to, which follows in these words:

The Auditor of Accounts, to whom was referred the petition of William Killen, Esq., executor of Col. John Haslet, deceased, begs leave to report:

That he has had a conference with the petitioner on the subject of his said petition, and has been furnished by him with a settlement of Col. Haslet's accounts, confirmed by the House of Assembly on the 5th of June, 1779, and by the Legislative Council on the 8th of December following, exhibiting a balance of £234 : 13 : 11 due to the estate of his testator, which the petitioner alleges was paid to him on the 8th of January, 1780, when it was worth only £7 : 15 : 5 in specie. He also alleges that Col. Haslet's estate suffered greatly by the depreciation of the money which came to his hands; nevertheless he is willing to return the two thousand dollars last received by his testator from the United States, in certificates of final settlement, to the same nominal amounts due from the said States to the officers and soldiers of the late American army, provided this State will assume the payment of the said two thousand dollars to the United States.

The Auditor, upon considering the circumstances of the case, is of opinion that this State may with safety accede to the proposal of the petitioner; that the said two thousand dollars will then be settled in a general account with the United States, in which account the certificates of final settlement must be received and accepted as a credit. That with respect to the interest due

on the said sum, it is the opinion of the Auditor that the petitioner's testator's estate should be charged with it, and that the interest due on the certificates of final settlement to be given in exchange should be calculated up to the time of exchange.

ELEAZER McCOMB.

Auditor's Office, June 15th, 1786.

In the House of Assembly, Wednesday, P. M., January 31, 1787, read, considered and agreed to.

JAS. BOOTH, *Cl'k of Assembly.*

In Legislative Council, February 1, 1787, P. M., read and concurred in.

JAMES SYKES, *Cl'k of Council.*

Resolve to be entered upon the Auditor's report upon the petition of William Killen, Esq., as executor of the late Col. John Haslet, proposed by the Council to the House of Assembly:

IN THE COUNCIL, THURSDAY, P. M., February 1, 1787.

Resolved, That the State Treasurer be and he hereby is appointed and authorized to receive from William Killen, Esq., as executor of Col. John Haslet, deceased, certificates of final settlement to the nominal amount of the said sum of two thousand dollars, with the interest accrued thereon at the time of such receipt, allowing so much interest as may be due on such certificates, in discharge of so much interest due on the said two thousand dollars; and that the said State Treasurer give his certificate of such receipt to the said executor, and that the Delaware State be from thenceforth considered as accountable to the United States for the said sum of two thousand dollars, as last received by the said Col. John Haslet from the Treasury of the United States for the purpose of raising his new regiment.

Ordered, That the above report of the Auditor, with the resolve and the above mentioned petition, be sent to the House of Assembly; that Mr. Laws wait upon the House with the same;

Who reported the delivery thereof accordingly.

On motion, by order,

The bill entitled "An act for enabling Sydenham Thorne to erect a mill-dam, &c.," was read a second time, and the same postponed until to-morrow morning for further consideration.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, Feb. 2d, 1787, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Agreeable to the order of the day, Council proceeded to the consideration of the bill entitled "An act to enable Sydenham Thorne to erect a mill-dam across Mispillion Creek, &c.," and after some time spent therein, a motion was made and seconded that the further consideration thereof should be postponed until the parties interested could have notice to attend Council and be heard in the premises; which question being put, it passed in the negative.

On motion of Mr. Tilton, that the yeas and nays should be entered, it was ordered accordingly, and are as follows, to wit:

Yeas—Mr. Read, Mr. Snow, Mr. Laws.

Nays—Mr. Vandyke, Mr. Tilton, Mr. Polk, Mr. Banning, Mr. Neill.

Mr. Dingle, a member of Assembly, attending, was admitted and delivered to the Chair the following papers, to wit: A message from the President; an act for empowering the Board established by Congress to liquidate and settle the accounts between the United States and individual States, to call before them witnesses, &c.; an act for the support of officers, soldiers, or seamen, citizens of this State, who have been disabled in the service of the United States; a bill for raising ten thousand five hundred pounds for the service of the year 1787; a petition from New Castle County for a speedy collection of the arrearages of taxes; the report of the committee upon the President's Message;

a petition of John Darby, and the Auditor's report thereon; a letter from the Secretary of Congress, with two inclosures; the resolution of Council on the Auditor's report on the petition of William Killen, Esq., as concurred in by the House of Assembly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion, by order, the several papers delivered to the Chair in the forenoon were read.

On motion,

The bill entitled "An act for raising £10,500 for the service of the year 1787," by special order, was read a second time and referred to a committee of three, to wit: Messrs. Vandyke, Read and Tilton, who are to report thereon.

On motion, ordered

That Mr. Read be a committee to prepare and bring in a bill for appointing Commissioners to meet the convention of the United States to be held on the second day of May next, at the City of Philadelphia, for the purpose of revising the Articles of Confederation.

Council now resumed the consideration of the bill for enabling Sydenham Thorne to erect a mill-dam, &c., and several amendments were proposed and agreed to.

Ordered, That the said amendments be transcribed, and that Mr. Neill wait upon the House of Assembly with the said bill and the amendments proposed by Council to the same, for their consideration and concurrence;

Who reported the delivery thereof accordingly.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, February 3d, A. M.

Council met. Present all the members.

On motion, by order,

The bill entitled "An act for the support of officers, soldiers, or seamen, citizens of this State, who have been disabled in the service of the United States," was read a second time.

On motion, by special order, the said bill was read by paragraphs and it shall pass.

Ordered, That Mr. Neill wait on the House of Assembly and return the same;

Who, being returned, reported the delivery thereof.

Mr. Read now laid on the table a bill entitled "An act appointing Deputies from this State to the Convention proposed to be held in the City of Philadelphia for the purpose of revising the Federal System;" which, by order, was read.

Mr. McCall, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act laying an impost on spirituous liquors imported into this State, and for other purposes."

On motion, by special order,

The bill entitled "An act appointing Deputies from this State to the Convention proposed to be held at Philadelphia for revising the Federal System, &c.," was read a second time, read a third time by paragraphs, and it shall pass.

On motion,

Ordered, That Mr. Laws wait on the House of Assembly with the said bill, for their consideration and concurrence;

Who reported the delivery thereof accordingly.

Mr. Grantham, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act to provide for defraying the expenses of the Justices of the Supreme Court

and Court of Oyer and Terminer," with a memorial of William Killen and David Finney, Esquires, &c., the excise bill, &c.; which said papers were severally read.

Mr. Dingle, a member of Assembly, attending, was admitted and delivered to the Chair the resolution of that House accepting and agreeing to the proposals of Mr. Read for revising the laws, with the said proposals, which were read.

Ordered, That Mr. Snow wait upon the House of Assembly with the Auditor's bill and the papers of amendments proposed to the same, and an additional amendment proposed to the said bill by Council, with the following verbal message from Council to the House of Assembly:

Gentlemen:

The Council, from the shortness of the time prescribed by your honorable House for the present session, have departed somewhat from the usual mode of transacting business, in the offering another amendment, different from their former one, disagreed to by your honorable House, to the third amendment proposed by the House of Assembly to the Auditor's bill, to wit: that of adding twenty-five pounds to the one hundred pounds set down in your said third amendment; for that the continuance and regular keeping up of that office is of great importance and use to this State, and it is most likely that a person who hath already been exercised in the duties of such an office would be presently most competent for the immediate execution of the various duties thereof, and, in the opinion of this House, it is probable that if the present Auditor should be reelected he might accept thereof for such annual allowance.

On motion, by special order,

The bill providing for defraying the expenses of the Justices of the Supreme Court, was read a second time and passed the House.

Ordered, That Mr. Neill wait upon the House of Assembly with the said bill and the memorial of Wm. Killen and David Finney, Esquires, &c.;

Who reported the delivery thereof accordingly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

Council being informed that James Newnam, Doorkeeper and Sergeant-at-Arms to this House, had removed from the Town of Dover to the village called Mifflin's Cross Roads, and that it would be inconvenient, both to the Council and to the said James, to be continued in that station, and Benjamin Crooks offering himself to perform that duty, the said Benjamin Crooks is therefore appointed Doorkeeper and Sergeant-at-Arms to this House.

Mr. Shankland, a member of the House of Assembly, attending, was admitted and returned to the Chair the Auditor's bill, with the verbal message from this House to the House of Assembly, thus acted upon in that House:

IN THE HOUSE OF ASSEMBLY, February 3, 1787.

This House having taken the said message into consideration, propose that the sum of three hundred dollars be the yearly salary of the Auditor.

JAS. BOOTH, *Cl'k of Assembly.*

Thus acted upon in Council, February 3d, 1787. Read and agreed to.

JAMES SYKES, *Cl'k of Council.*

Ordered, That Mr. Snow wait upon the House of Assembly with the Auditor's bill, and the verbal message from Council to the House of Assembly;

Who, being returned, reported the delivery thereof accordingly.

Mr. Cannon, a member of Assembly, was admitted and returned to the Chair the bill entitled "An act for appointing Deputies from this State to the Convention, &c.," with an amendment to the same; the letter from Gunning Bedford, Esq., with the following verbal message:

A VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE
COUNCIL.*Gentlemen :*

The House of Assembly propose to the honorable the Council that both Houses meet, in the Council Chamber, forthwith, for the purpose of nominating and balloting for Deputies to attend the proposed convention for revising the Federal Constitution; for an Auditor for this State, and for a Delegate to Congress, to supply the place of Gunning Bedford, the elder, Esq., who hath declined to accept of that appointment.

Saturday, P. M., Feb. 3, 1787.

The committee to whom the bill for raising £10,500, &c., was committed, now brought in their report; which was read.

Upon the motion being made and seconded, that Council should proceed presently to the consideration of the said report, the question was put, and the yeas and nays were required by Mr. Tilton, and are as follows:

Yeas—Mr. Tilton, Mr. Snow, Mr. Neill, Mr. Vandyke.

Nays—Mr. Read, Mr. Banning, Mr. Polk, Mr. Laws.

So the House being divided, the Speaker gave his vote against the motion.

Ordered, That Mr. Polk wait upon the House of Assembly with the act appointing Deputies, &c., with the paper of amendments proposed by that House to the said bill, and an amendment proposed by Council to the first mentioned amendments;

Who, being returned, reported the delivery thereof.

Mr. Davis, a member of Assembly, attending, was admitted and delivered to the Chair the memorial and appeal of George Read, with the several papers accompanying the same, together with the decision of that House on the said appeal, which follows. The papers severally were read.

IN THE HOUSE OF ASSEMBLY, February 3, 1787.

The House took into consideration that part of the Auditor's report from which George Read, Esq., appealed; and thereupon

Resolved, in favor of the appellant, that the sum of twenty-six pounds five shillings be added to the sum reported by the Auditor to be due from this State to the said George Read.

JAMES BOOTH, *Cl'k of Assembly*.

Concurred in by Council.

JAMES SYKES, *Cl'k of Council*.

On motion,

Ordered, That Mr. Laws wait on the House of Assembly with the engrossed bill for incorporating religious societies, which, by order, had been signed by the Speaker of Council; also the several papers concerning Mr. Read's demand against the State, the resolution thereon, to which Council had agreed;

Who, being returned, reported the delivery thereof.

Ordered, That Mr. Neill wait upon the House of Assembly with the bill appointing Deputies, &c.

Ordered, That Mr. Snow wait on the House with the following verbal message:

Gentlemen:

The Council agree to the proposition contained in your verbal message of this afternoon to meet, in the Council Chamber forthwith, for the purpose of nominating Deputies to attend the proposed convention for revising the Federal Constitution, and for an Auditor for this State, and a Delegate to Congress, to supply the place of Gunning Bedford, Esq., the elder, who hath declined to accept of that appointment.

Doct. Evans, a member of Assembly, was admitted and delivered to the Chair the several laws passed at this sitting, with a resolution for affixing the Great Seal thereunto.

Adjourned to 10 o'clock on Monday morning.

MONDAY, February 5th, A. M.

Council met. Present all the members.

Council proceeded to take into consideration the report of the committee on the bill entitled "An act for raising £10,500 for the service of the year 1787," and after sundry debates thereon, a question was proposed and put, "Do Council agree to the report so far as relates to providing for the requisition of Congress of the 2d of August last for 56,512 dollars?" which passed in the negative.

On motion of Mr. Tilton, that the yeas and nays on the above question be entered on the minutes, it was ordered accordingly, and are as follows, to wit:

Yeas—Mr. Vandyke, Mr. Tilton, Mr. Snow.

Nays—Mr. Neill, Mr. Polk, Mr. Baning, Mr. Read, Mr. Laws.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members, and resumed the consideration of the bill for raising £10,500 for the service of the year 1787, and sundry amendments were proposed and agreed to to Section 17, inclusive. Then, upon reading Sections 18 and 19, a motion was made for introducing an amendment to precede the said Sections 18 and 19, as follows, to wit: "An act for extending the time for collection of the unpaid State tax directed to be raised in the year 1786;" in order to form those two sections, viz: 18 and 19, into a separate act; and, upon the question, it was determined in the affirmative.

Whereupon the yeas and nays were required by Dr. Tilton, and they are as follows:

For the affirmative—Mr. Read, Mr. Neill, Mr. Laws, Mr. Polk, Mr. Snow.

For the negative—Mr. Tilton, Mr. Vandyke, Mr. Baning.

Then the question being put upon the said sections thus made into a separate act, it was determined in the affirmative, and the yeas and nays being called for were the same as on the next preceding motion.

Ordered, That Mr. Neill wait on the House of Assembly with the last mentioned bill and the amendments proposed thereto by Council, for the consideration and concurrence of that House.

Who, being returned, reported the delivery thereof.

Mr. Porter, a member of Assembly, attending, was admitted and delivered to the Chair resolutions for ascertaining the allowance to the Delegates in Congress, which, by order, were read, and follow in these words:

IN THE HOUSE OF ASSEMBLY, February 5, 1787.

On motion,

Resolved, That each of the Delegates from this State to the Congress of the United States be allowed the sum of forty shillings for every day he shall attend in Congress or any committee thereof, and also the same sum per day for traveling charges in going thereto and returning therefrom. And that each Deputy from this State to the Convention proposed to be held at the City of Philadelphia, for the purpose of revising the Federal Constitution, be allowed the like sum for every day he shall attend the same, and also the same sum per day for traveling charges in going thereto and returning therefrom.

Resolved also, That the President or Commander-in-Chief of this State for the time being, upon each Delegate or Deputy producing an account of his attendance, be and is hereby authorized to draw an order on the State Treasurer, indorsed on such account, for the payment of the same; which account, with the order and receipt, shall be a sufficient voucher for the Treasurer in the settlement of his account.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly*.

On motion, by order, the resolutions of the House of Assembly declaring the allowance to the Delegates from this State to Congress, and the Deputies to the Convention for revising the Federal Constitution, were read, and an amendment proposed and agreed to.

Ordered, That Mr. Laws wait on that House with the same for concurrence.

Mr. Duff, a member of the House of Assembly, was admitted and delivered to the Chair the following papers, to wit: A letter from the Auditor, of this day, also reports of the Auditor, of the 2d February, 1785, 4th November, 1785, 14th and 20th January, 1786, and 15th January, 1787, and do. on the petition of Esther Mackey, of same date.

Mr. Shankland, a member of the House of Assembly, was admitted and returned the resolutions for ascertaining the allowance to the Delegates, &c.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, February 6th, A. M.

The order in favor of John McKinly, by order, was signed by the Speaker.

Mr. Shankland, a member of Assembly, attending, was admitted and delivered to the Chair two engrossed bills, the one for extending the time of collection of the unpaid State tax directed to be raised in the year 1786, the other, the bill entitled "An act for raising £10,500 for the service of the year 1787;" a resolution of the House of Assembly for affixing the Great Seal to the above laws; also a resolution of said House instructing the Delegates to Congress from this State to urge Congress to direct the Commissioner of the Continental Loan Office of this State to receive the indents that may be collected from the citizens from this State in discharge of the requisition of Congress of the 27th September, 1785.

The resolution respecting the Great Seal was concurred in, and the above laws were, by order, signed by the Speaker and

sent to the House of Assembly by Mr. Laws, and the resolution for affixing the Great Seal;

Who, being returned, reported the delivery thereof.

The Council allowed the following accounts:

To the Honorable George Craghead, Esquire, for 25 days' attendance and mileage, ...	£ 26	16	0
To George Read, Esq., for do. do., ...	18	6	0
To Nicholas Vandyke, Esq., for do. do., ...	14	19	4
To Silas Snow, Esq., for do. do., ...	14	14	8
To James Tilton, Esq., for do. do., ...	15	12	0
To John Baning, Esq., for do. do., ...	15	12	0
To Henry Neill, Esq., for do. do., ...	13	10	0
To Daniel Polk, Esq., for do. do., ...	16	6	0
To Alexander Laws, Esq., for do. do., ...	16	2	0
To James Sykes, Clerk, for 26 days' attendance, and for engrossing, paper, &c., ...	23	13	4
To Mrs. Elizabeth Battell, for the use of a room, fire-wood and candles, ...	20	0	0
To James Newnam, Doorkeeper and Sergeant-at-Arms, ...	9	15	0

	£ 205	6	4
Additional allowance for 3 days after attendance, ...	20	3	6

Total amount, ...	£ 225	9	10
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To the Honorable George Craghead, Esq., ...	2	14	0
To George Read, Esq., ...	1	16	0
To Nicholas Vandyke, Esq., ...	1	16	0
To Silas Snow, Esq., ...	1	16	0
To James Tilton, Esq., ...	1	16	0
To John Baning, Esq., ...	1	16	0
To Henry Neill, Esq., ...	1	16	0
To Daniel Polk, Esq., ...	1	16	0
To Alexander Laws, Esq., ...	1	16	0
To James Sykes, Clerk, ...	1	19	0
To James Newnam, Doorkeeper, &c., ...	1	2	6

	£ 20	3	6
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Ordered, That Mr. Snow wait on the House of Assembly with the several reports of the Auditor, agreed to by Council, and a resolution of Council, drawn thereon, empowering the President or Commander-in-Chief to draw orders in favor of the respective persons for the several sums as in those reports are mentioned and specified upon the State Treasurer, payable out of any money in his hands not heretofore specially appropriated;

Who, being returned, reported the delivery thereof.

Council being informed, by the verbal message of the House of Assembly, that the honorable the House of Assembly had this day adjourned the present sessions to Monday, 28th day of May next, on motion,

Resolved, That Council do now adjourn to the same day.

MEMBERS' NAMES.

FOR NEW CASTLE COUNTY:

GEORGE CRAGHEAD, *Speaker*,
NICHOLAS VANDYKE.

FOR KENT COUNTY:

SILAS SNOW, JAMES TILTON, JOHN BANING.

FOR SUSSEX COUNTY:

HENRY NEILL, DANIEL POLK, ALEXANDER LAWS.
JAMES SYKES, *Clerk.*

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MAY, 1787.

MAY 28th, 1787.

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Thursday, the 31st of the same month, when there appeared as follows:

For New Castle County—George Craghead, Esq., Speaker.

For Kent County—James Tilton, Silas Snow, John Baning.

For Sussex County—Daniel Polk, Alexander Laws.

On motion, by order, the bill entitled “An act laying an impost on spirituous liquors imported into this State, and for other purposes,” was read and referred to a committee of three, to wit: Messrs. Tilton, Polk, and Snow.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, and adjourned to 10 o'clock to-morrow morning.

FRIDAY, June 1st, A. M.

Council met. Present the same members.

The minutes of yesterday were read.

On motion, that as a committee had been appointed at the the meeting of Council in the month of January, 1786, to wit: Messrs. Read, Joshua Polk, and Tilton, to prepare and bring in a bill for straightening the roads of travel and carriage within this State, and that Mr. Read is absent on public business, by the appointment of the General Assembly, as a member of the Federal Convention, and Mr. Joshua Polk is not now a member of this House, and as the business was of importance and necessary to be completed, it was therefore proper that other members should be appointed in the room of those gentlemen; whereupon ordered that Mr. Speaker and Mr. Laws be appointed of that committee in the room of Messrs. Read and Polk.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Mr. Vandyke appeared and took his seat.

Adjourned to Saturday, 10 o'clock, A. M.

SATURDAY, 2d June, A. M.

Council met and adjourned to Monday, 10 o'clock, A. M.

MONDAY, June 4th, A. M.

Council met.

On motion of Mr. Vandyke, for leave to bring in a bill to alter the judgment at common law against persons convicted of petit treason, the same was granted; whereupon Mr. Vandyke laid a bill for that purpose on the table; which bill, on motion, by order, was read.

On motion, by special order, the said bill was read a second time.

On motion, the same bill was read a third time by paragraphs, passed the House, and ordered to be transcribed and sent to the House of Assembly for consideration and concurrence.

On motion,

Ordered, That Mr. Laws wait on the House of Assembly with the transcribed bill for altering the judgment in petit treason;

Who, being returned, reported the delivery thereof.

Adjourned to ten o'clock to-morrow morning.

TUESDAY, June 5th, A. M.

Council met. The minutes of yesterday were read.

Mr. Moore, a member of Assembly, attending, was admitted and returned to the Chair the bill entitled "An act to alter the judgment at common law against persons convicted of petit treason," with some amendments proposed by that House; which, on motion, by order, were read and agreed to.

On motion, ordered that the said bill be engrossed.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The engrossed bill entitled "An act to alter the judgment at common law against persons convicted of petit treason," was read and compared according to the amendments agreed to.

Ordered, That Mr. Snow wait on the House of Assembly with the said engrossed bill;

Who, being returned, reported the delivery thereof.

Mr. Gordon, a member of Assembly, attending, was admitted and returned the bill for altering the judgment in petit treason, signed by the Speaker of the House Assembly.

Ordered, That the said bill be signed by the Speaker of this House; which was done accordingly.

Mr. Gordon also delivered to the Chair a resolution of the House of Assembly for affixing the Great Seal to the foregoing law, which follows in these words:

IN THE HOUSE OF ASSEMBLY, June 5th, 1787.

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following law:

"An act to alter the judgment at common law against persons convicted of petit treason."

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly*.

In Council, same day, read and concurred in.

JAMES SYKES, *Cl'k of Council*.

Ordered, That Mr. Polk wait on the House of Assembly and return the last mentioned bill and resolution for affixing the Great Seal thereunto, agreed to by Council;

Who, being returned, reported the delivery thereof.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, June 6th, A. M.

Council met. The minutes of yesterday were read.

Mr. Speaker laid on the table a resolution of the House of Assembly, relating to the time of the adjournment of that House, which had been delivered to him by Mr. Evans, a member of Assembly, after the adjournment of Council.

On motion, by order, the said resolution was read, and follows in these words:

IN THE HOUSE OF ASSEMBLY, June 5th, 1787.

On motion,

Resolved unanimously, That this House intend, to-morrow evening, to conclude the present session by adjourning the same to some future day.

Ordered, That Mr. Evans wait on the Council with a copy of the said resolution for their information.

JAS. BOOTH, *Cl'k of Assembly*.

On motion,

The bill entitled "An act to enable the owners and possessors of a certain parcel of marsh, meadow, and cripple, hereinafter described, situate on Little St. Georges Creek, in St. Georges Hundred, in New Castle County, fronting the River Delaware, to keep the banks, dams, sluices and floodgates thereof in repair," was read a second time.

On motion and on the question, the said bill passed the House.

Ordered, That Mr. Polk wait on the House of Assembly and return the same, with the petition and newspaper that accompanied the same;

Who, being returned, reported the delivery thereof.

The committee to whom was referred the bill entitled "An act laying an impost on spirituous liquors imported into this State,

and for other purposes," now reported some amendments thereunto, which they submitted to the House.

On motion, ordered that the same be read; which was done accordingly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Mr. Neill appeared and took his seat.

Mr. Cannon, a member of Assembly, was admitted and delivered to the Chair a resolution of that House respecting the meeting of both Houses in the Council Chamber; which, on motion, by order, was read, and follows in these words:

IN THE HOUSE OF ASSEMBLY, June 6, 1787, P. M.

On motion,

Resolved, That Mr. Cannon wait on the Council, and propose to that honorable body that both Houses of the General Assembly meet in the Council Chamber at six o'clock this afternoon, and put in nomination persons out of whom shall be elected, by ballot, a Justice of the Court of Common Pleas and Orphans' Court for the County of New Castle, to supply the vacancy occasioned therein by the death of Abraham Robinson, Esq.; and also a Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, to supply the vacancy occasioned by the appointment of Thomas Collins, Esq., to the Presidency of this State.

JAS. BOOTH, *Cl'k of Assembly*.

In the Council, June 6th, 1787, P. M., read and concurred in.

JAMES SYKES, *Cl'k of Council*.

On motion,

Ordered, That Mr. Snow wait on the House of Assembly and return the above resolution, concurred in by Council ;

Who, being returned, reported the delivery thereof according to order.

In pursuance of the joint resolution of both Houses, the two Houses met, in the Council Chamber, and put in nomination the following persons from whom to appoint a Justice of the Court of Common Pleas and Orphans' Court of the Counties of New Castle and Kent:

FOR NEW CASTLE COUNTY,

Mr. Grantham names Mr. Porter.

Mr. Vandyke names Mr. Craghead.

FOR KENT COUNTY,

Mr. Rodney names Mr. Smith as Chief Justice.

Mr. Rodney names Mr. Carty.

Mr. McCall names Mr. Cook.

Mr. Gordon names Mr. Clayton.

Then the two Houses separated.

The Council took into consideration the amendments to the bill entitled "An act for laying an impost on spirituous liquors, &c.," and after some time spent therein the same were agreed to, and ordered to be transcribed and sent to the House of Assembly for concurrence.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, June 7th, A. M.

Council met. The minutes of yesterday were read.

Mr. Davis, a member of Assembly, was admitted and delivered to the Chair a verbal message from that House in the following words:

VERBAL MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

Gentlemen:

The House of Assembly propose to the honorable the Council

that both Houses of the General Assembly meet, in the Council Chamber, at 12 o'clock this day, and proceed to the appointment by ballot of persons to fill the vacancies in the Court of Common Pleas and Orphans' Court for the Counties of New Castle and Kent.

Thursday, A. M., June 7th, 1787.

Ordered, That Mr. Neill wait on the House of Assembly with the bill for laying an impost on spirituous liquors, and the amendments proposed thereunto by Council;

Who, being returned, reported the delivery thereof.

On motion, Council took into consideration the proposals of George Read, Esquire, concerning the revising the laws of this State, and the resolution of the House of Assembly accepting and agreeing to the said proposals; and upon the question, "Do Council concur with the House of Assembly in that resolution?" it passed in the negative.

Ordered, That Mr. Laws wait on the House of Assembly and return the said proposals and resolution thus acted upon by Council.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Laws reported the delivery of the proposals of Mr. Read, and resolution of the House of Assembly thereon, to that House, according to order.

On motion, the House proceeded to the nomination of persons, one of whom to be elected, to fill up the place of Major James Black in the Privy Council, whose time is expired.

Mr. Laws names Silas Snow, Esquire.

Mr. Tilton names Eleazer McComb, Esquire.

On motion,

Resolved, That Council will, to-morrow morning, proceed to the balloting for a Privy Councillor in the room of Major Black.

Mr. Grantham, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act for extending the time for collection of the unpaid State tax directed to be raised in the year 1786."

On motion, by order, the said bill was read.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, June 8th, A. M.

Council met. The minutes of yesterday were read.

Mr. Porter, a member of Assembly, was admitted and delivered to the Chair a bill entitled "A further supplementary act to the act entitled 'An act for the more easy and speedy recovery of small debts;'" also a resolution of that House of their intention to conclude the present session this evening by adjourning the same to some future day.

On motion, by order, the said bill was read.

On motion, by special order, the said bill was read a second time.

Mr. Charles Polk, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act for appropriating the sum of £10,500."

On motion, by order, the said bill was read.

Mr. McCall, a member of Assembly, was admitted and delivered to the Chair a bill entitled "A further supplement to an act entitled 'An act for calling in and destroying such of the Bills of Credit, emitted by virtue of any law of this State, passed under

the present or former Government thereof, as are now outstanding, and for other purposes therein mentioned.' "

On motion, by special order, the bill entitled "An act for appropriating the sum of £10,500, was read a second time.

On motion, by order,

The bill entitled "A further supplement to an act for calling in and destroying such of the Bills of Credit emitted, &c.," was read.

On motion, the bill for appropriating the sum of £10,500, was read by paragraphs and passed the House.

On motion,

Ordered, That Mr. Neill wait on the House of Assembly with the supplementary bill for the more easy and speedy recovery of small debts, with some amendments proposed by Council thereunto; also the bill for appropriating the sum of £10,500, which had passed Council.

On motion, by special order,

The bill entitled "A further supplement to an act for calling in and destroying Bills of Credit, &c.," was read a second time by paragraphs and passed the House.

Ordered, That Mr. Neill wait on the House of Assembly and return the last mentioned bill, which had passed the Council;

Who, being returned, reported that he had delivered the above acts according to order.

On motion, by order,

The bill for extending the time of collection of the unpaid State tax directed to be raised in 1786, was read a second time.

Agreeable to the order of the day, Council proceeded to ballot for a Privy Councillor, and the votes being taken by the Speaker and read, it appears that Eleazer McComb, Esq., was elected by a majority of votes, and is declared duly elected.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Broom, a member of Assembly, attending, was admitted and returned to the Chair the supplementary bill to the act for the more easy and speedy recovery of small debts, with the amendments of Council, to the first of which they had disagreed, and to the second agreed; whereupon Council, after considering their first amendment, receded therefrom and proposed an additional amendment.

Ordered, That Mr. Laws wait on the House of Assembly and return the last mentioned bill, thus acted upon by Council;

Who, being returned, reported that he had delivered the same according to order.

The Council took into consideration the bill entitled "An act for extending the time for collection of the unpaid State tax directed to be raised in the year 1786," and after some time spent therein, the question was put and the bill rejected.

Ordered, That Mr. Snow wait on the House of Assembly and return the said bill, thus acted upon by Council;

Who, being returned, reported the delivery thereof.

Mr. Shankland, a member of Assembly, was admitted and delivered to the Chair the following bills, signed by the Speaker of the House of Assembly, to wit:

"An act for appropriating the sum of £10,500;"

"A further supplementary act to the act entitled 'An act for the more easy and speedy recovery of small debts;'"

"A further supplement to an act entitled 'An act for calling in and destroying such of the Bills of Credit emitted by virtue of any law of this State, passed under the present or former Government thereof, as are now outstanding, and for other purposes therein mentioned;'" and

"An act to enable the owners and possessors of a certain parcel of marsh, meadow, and cripple, hereinafter described,

situate on Little St. Georges Creek, in St. Georges Hundred, in New Castle County, fronting the River Delaware, to keep the banks, dams, sluices, and floodgates thereof in repair."

Also, a resolution of the House of Assembly for affixing the Great Seal to the above mentioned bills; which was concurred in by Council.

On motion, the foregoing bills were compared and ordered to be signed by the Speaker; which was done accordingly.

Ordered, That Mr. Neill wait on the House of Assembly with the above laws and resolution;

Who, being returned, reported the delivery thereof.

Adjourned to 6 o'clock to-morrow morning.

SATURDAY, June 9th, A. M.

Council met, and proceeded to the settlement of the expenses of this sitting, and the following accounts were allowed, viz :

To the Hon. George Craghead, Esq., Speaker, for			
13 days' attendance in Council and mileage, . . .	£	13	6 0
To Nicholas Vandyke, Esq., for ditto, ...		6	11 4
To Silas Snow, Esq., for ditto, ...		8	2 8
To James Tilton, Esq., for ditto, ...		7	16 0
To John Baning, Esq., for ditto, ...		7	16 0
To Daniel Polk, Esq., for ditto, ...		7	18 0
To Alexander Laws, Esq., for ditto, ...		7	14 0
To Henry Neill, Esq., for ditto, ...		3	18 0
To James Sykes, Clerk, ...		8	10 6
To Mrs. Elizabeth Battell, for the use of a room, . .		7	10 0
To Benjamin Crooks, Doorkeeper, ...		5	2 6

£84 5 0

Ordered, That the Speaker sign orders on the State Treasurer in favor of the above persons for the sums above mentioned; which was done accordingly.

On motion,

Ordered, That the Minutes of Council be transcribed by the Clerk from their sessions in October, 1783, to the present, both inclusive, and that Messrs. Tilton and Sykes correct the same, and have two hundred copies thereof printed before the next meeting of the General Assembly.

Adjourned to 27th of August next.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, AUGUST, 1787.

At a meeting of the Council, by adjournment, August 27th, 1787, a sufficient number of the members not having appeared to form a quorum, they adjourned from day to day until Thursday, the 30th of this instant, when the following gentlemen appeared, viz:

For New Castle County—The Hon. George Craghead, Esq., Speaker; Nicholas Vandyke.

For Kent County—Silas Snow, James Tilton, John Baning.

On motion, ordered

That Messrs. Vandyke and Tilton wait on his Excellency, the President, and inform him that Council was sitting and ready to receive any business that he may have to lay before them.

The gentlemen, being returned, report that they had waited on his Excellency, the President, according to order, and that he was pleased to say that he had several public communications in his possession, which, if Council thought it necessary, he was ready to lay before them.

On motion, ordered

That Mr. Snow wait on his Excellency and receive these communications from his hands and present them to Council.

Mr. Snow, being returned, reported that he had waited on his

Excellency, the President, agreeable to order, and that he was pleased to say the papers before mentioned were not in such order as he would wish to present them in to Council, that he had not been explicit enough on the subject when the Committee waited on him, nor had he any message prepared, but that if the Council thought it proper to sit on the morrow he would have the papers in order.

Adjourned to eight o'clock to-morrow morning.

FRIDAY, August 31st, A. M.

Council met. Present the same members.

The Clerk of Council delivered to the Chair a message from his Excellency, the President to the Council, accompanied by the following papers: a letter from the Secretary of Congress, of the 2d July last, with its enclosures; one of the 12th of the same month, with a copy of a treaty between the United States of America and the Emperor of Morocco; one of the 14th, with its inclosures; one of the 31st, with its inclosures; also a letter from the Secretary of Foreign Affairs, of the 3d July, with its inclosures; which, by order, were severally read.

Then the following accounts were allowed:

To the Hon. George Craghead, Esq., Speaker, for 5 days' attendance and mileage, ...	£ 6 2 0
To Nicholas Vandyke, Esq., for 3 days' attendance and mileage, ...	2 18 0
To James Tilton, Esq., for 2 days' attendance, . . .	1 4 0
To John Baning, Esq., for do., ...	1 4 0
To Silas Snow, Esq., for do. and mileage, ...	1 10 8
To James Sykes, for 5 days, ...	3 2 6
To Benj. Crooks, for do., ...	2 12 6
To Mrs. Battell, for use of a room, ...	2 15 0
	£ 21 8 8

Adjourned to 20th day of October next.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a session convened at Dover, on the twentieth day of October, in the year of our Lord one thousand seven hundred and eighty-seven, divers of the members met, but the number not being a quorum, they adjourned from day to day until Thursday, the twenty-fifth of the same month.

THURSDAY, A. M., October 25th, 1787.

It appears by the returns of the officers of the Counties of New Castle and Kent, appointed by law to be Judges of Elections, that on the first day of October instant, at the usual places of election for the said Counties, the following gentlemen were chosen to represent the said Counties respectively as members of the Legislative Council of the Delaware State, for three years next ensuing the said election, to wit :

For New Castle County—Thomas McDonough.

For Kent County—John Cook.

All the members of the Council now appeared except Messrs. Vandyke, Tilton and Baning.

The House proceeded to the choice of a Speaker, and Thomas McDonough, Esquire, was unanimously elected.

The Speaker, in the Chair, and afterwards Mr. Cook, took,

made and subscribed the oath and affirmation of allegiance and declaration prescribed by the Constitution. [*See note on page 10.*]

On motion, ordered

That Mr. Read, Mr. Cook, and Mr. Laws be a committee to wait on his Excellency, the President, and inform him that the Council had met and were ready to receive any business he might have to lay before them.

The committee above mentioned, being returned, report that they had waited on his Excellency according to order, who informed them that he had sent a message, with sundry papers, to the House of Assembly, which, in due time, would come before the Council.

Mr. Read, as one of the deputies from this State to the convention held in Philadelphia, for the purpose of revising the Articles of Confederation, laid on the table a printed copy of the plan of the Constitution for the United States of America, agreed to by the said convention.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Mr. Baning now appeared in the Council and took his seat.

Mr. Evans, a member of Assembly, was admitted and delivered to the Chair a message from the President and the following public letters, with their enclosures, to wit: From the Commissioners of the Treasury of the 25th of May; from the Secretary for Foreign Affairs of the 11th of October; and from the Secretary of Congress of the 25th of July, 10th of August, 3d and 28th of September, in which was inclosed the Federal Constitu-

tution, and of the 2d of October, 1787; which were read. The President's message is in these words:

Gentlemen of the General Assembly:

The Secretary will communicate to you, for your consideration, the following public letters, with their enclosures, which I have lately received, to wit: from the Commissioners of the Treasury, of the 28th of May; from the Secretary for Foreign Affairs, of the 11th of October; and from the Secretary of Congress, of the 25th of July, 10th of August, 3d and 28th of September, and 2d of October, 1787.

With the above mentioned letter of the 28th of September, the Federal Constitution, as reported by the late Convention of the States, is now transmitted to you conformably to the unanimous resolution of Congress thereon, in order to be submitted to a convention of Delegates, to be chosen by the people of the State, for their assent and ratification; and I cannot, upon the present occasion, avoid recommending it to your attention as a subject of the most important consideration, involving in its adoption not only our prosperity and felicity, but perhaps our national existence.

THOMAS COLLINS.

Dover, October 24, 1787.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., October 26th, 1787.

The Council met. Present the same members as on yesterday, and Mr. Tilton, who now appeared in the House and took his seat.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met agreeable to adjournment.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., October 27th, 1787.

The Council met. Present the same members.

Ordered, That the President's Message, with the several papers which accompanied the same, be returned to the House of Assembly by Mr. Laws.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

The Speaker laid on the table a bill entitled "An act for altering the quorum of the House of Assembly," which had been delivered to him by a member of that House after the adjournment of Council.

The said bill was read the first time.

By special order, the said bill was read a second time.

The said bill was read the third time and concurred in.

Ordered, That the same be returned, by Mr. Laws, to the House of Assembly, as acted upon by Council.

Mr. Laws reported the delivery of the above bill to the House of Assembly.

Mr. Gordon, a member of Assembly, was admitted and delivered to the Chair the bill entitled "An act for altering the quorum of the House of Assembly," engrossed, with a resolution of that House for affixing the Great Seal of the State to the same.

The said bill being compared, ordered that the Speaker of Council sign the same; which was done accordingly.

The resolution for affixing the Great Seal to the above mentioned bill was read and concurred in.

Ordered, That the last mentioned bill, and the resolution for affixing the Great Seal to the same, be returned to the House of Assembly, by Mr. Tilton, as acted upon by the Council.

Mr. Tilton reported the delivery of the same.

Adjourned to 10 o'clock on Monday morning.

MONDAY, A. M., October 29th, 1787.

The Council met. Present the same members who attended on Saturday last, except Mr. Cook.

Mr. Speaker laid on the table a report of the Auditor of Accounts, dated this day; also a report of the outstanding taxes, reported June 5th, 1787.

Ordered to lie on the table.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., October 30th, 1787.

The Council met. Present the same members.

Mr. Cook, having returned, now appeared in the Council.

The Speaker laid on the table a paper purporting to be the return of a Counsellor for the County of Sussex, for the present year, which was read, and follows in these words, to wit:

SUSSEX COUNTY, DELAWARE STATE:

This indenture made this fifteenth day of October, in the year of our Lord, one thousand seven hundred and eighty-seven, between Thomas Laws, Sub-Sheriff of the County, of the one part, and Francis Wright, Thomas Laverty, William Peery, and Peter Marsh, Inspectors, and John Paynter and David Hall, gentlemen, freeholders of the said County, of the other part, witnesseth, that the said Inspectors, together with a number of freeholders of the said County, having met at the Court House in Lewes, on the first day of October instant, and continued by adjournments until this day, did then and there choose, elect, and nominate Simon Kollock, gentleman, to be Counsellor for the County aforesaid, pursuant to the Constitution or System of Government of the State of Delaware.

In testimony whereof the said Sub-Sheriff, Inspectors, and Freeholders have hereunto signed their names and affixed their seals the day and year first above written.

THOMAS LAWS, <i>S. Sheriff</i> ,	[SEAL.]
FRANCIS WRIGHT,	[SEAL.]
THOMAS LAVERTY,	[SEAL.]
SOLOMON WILLEY,	[SEAL.]
WILLIAM PEERY,	[SEAL.]
JOSEPH DAWSON,	[SEAL.]
DAVID HALL,	[SEAL.]
PETER MARSH,	[SEAL.]
JOHN PAYNTER,	[SEAL.]

On motion, ordered,

That the Auditor be notified that his annual report, of the 27th and 29th instant, doth not contain any general account of debts due to the State, as expressed in the 13th section of the law under which he acts, and which enumerates the heads whereof such general account shall consist, and that he furnish Council with such general account as speedily as possible.

Ordered, That the above order be transcribed, and that Mr. Polk wait on the Auditor and deliver the same.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Mr. Polk reported that he had delivered the above order to the Auditor, and that he was informed by him that an official report would be made to-morrow, so far as his books enabled him to make such report.

Mr. Cook desires leave of absence until to-morrow morning, and the same is granted.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, A. M., October 31st, 1787.

The Council met. Present the same members.

On motion, ordered,

That the Sheriff and Sub-Sheriff of Sussex County be notified

to attend the Council forthwith, to be examined touching the election of Sussex County.

The Sheriff and Sub-Sheriff attended accordingly, and the Council proceeded to the examination.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment, and proceeded in the examination of the Under Sheriff of Sussex County concerning the election in that County.

Ordered that Mr. Peery be notified to attend the Council forthwith, to be examined touching the late election in Sussex County.

Mr. Peery attended accordingly.

Adjourned to ten o'clock to-morrow morning.

THURSDAY, A. M., November 1st, 1787.

The Council met. Present the same members.

Mr. Davis, a member of Assembly, was admitted and he delivered to the Chair four petitions from 121 of the inhabitants of Sussex County against the late election in said County.

Ordered to lie on the table.

Mr. Speaker laid on the table a report of the Auditor, dated October 31st, in obedience to the order of the Council of 30th of October, with two inclosures, the first containing a list of specie taxes preceeding 1784, committed to Collectors of Hun-

dreds, and still outstanding; the second containing a list of open accounts in the public books, on which balances appear to be due to the State.

On motion, ordered,

That the Auditor be further notified that his additional report of yesterday is not sufficiently explicit as to the sum of the State tax, outstanding in the hands of the several persons in New Castle and Kent Counties, previous to 1784, for that the sums annexed to each delinquent's name may comprehend as well County as State tax, when the delinquency as to State tax was only necessary for legislative information. And also that no specific statement is made of the tax outstanding in Sussex County, before 1784, showing who may be delinquents therein.

Ordered, That the Clerk of this House transcribe the above order and wait on the Auditor with the same.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., November 2d, 1787.

The Council met. Present the same members.

Mr. Latimer, a member of the House of Assembly, was admitted and he delivered to the Chair the following papers, to wit: A bill entitled "An act granting to Oliver Evans, for a term of years, the sole and exclusive right of making and selling within this State the machines herein described," with two petitions of the said Oliver Evans, praying an exclusive privilege of con-

structing and employing a steam-carriage which he hath invented, capable of carrying heavy burdens, to be propelled by the agency of steam and the pressure of the atmosphere, without the aid of animal force ; a recommendation from sundry persons respecting Evans' machine, and a report of a committee of the House of Assembly on the said petitions; and a resolution of that House permitting Oliver Evans to bring in the above mentioned bill; also a petition from James Adams, with his general account; a report of a committee of the House of Assembly upon that part of James Adams' petition which appeals from the Auditor's report; and a resolution of the House of Assembly upon the appeal of James Adams; which said papers were severally read.

Ordered to lie on the table.

On motion of Mr. Read, for leave to bring in a bill for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number, the same was granted; whereupon he presented to the Chair a bill for that purpose, which was read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

The bill entitled "An act for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number," was read a second time and deferred for further consideration.

The petitions from sundry inhabitants of the County of Sussex against the late election in said County, were read.

Ordered to lie on the table.

Mr. Speaker laid on the table a report of the Auditor of Accounts, of this day, in compliance with the order of Council of yesterday; which was read.

Ordered to lie on the table.

By special order, the bill entitled "An act granting to Oliver Evans, for a term of years, the sole and exclusive right of making and selling within this State the machines herein described," was read a second time and deferred for further consideration.

Mr. Laws desires leave of absence until Tuesday next. The same is granted.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., November 3d, 1787.

The Council met. Present the same members, except Mr. Laws.

The bill entitled "An act for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number," was read a third time by paragraphs and passed the House.

Ordered, That the said bill be transcribed, and sent to the House of Assembly for their consideration and concurrence.

The Council now resumed the consideration of the contents of the paper purporting to be the return of a Counsellor for the County of Sussex for the present year.

On motion of Mr. Tilton, seconded by Mr. Baning, that the following resolution should be adopted by the Council, to wit:

WHEREAS the disturbances in Sussex County, which have occasioned the disputed election now under the discussion of this House, appear manifestly to flow from causes that have subsisted from the beginning of the war with Great Britain, and through the Revolution, until this day, and are now of so serious

a nature as to deserve the most attentive and thorough investigation; and whereas to decide on the election upon the information given upon one side only, without hearing those complained of, as well as those complaining, must be an *ex parte* procedure contrary to the rules of justice and moderation; and whereas there is also reason to apprehend that besides setting aside the election there may be further proceedings of the Legislature, for the purpose of disgracing or punishing those complained of by the petitioners, whereby they will be condemned unheard, and may be rendered more desperate in their conduct, and the disorder of this Government become more extended and dreadful in their consequences; therefore

Resolved, That such of the persons complained of in the petitions as choose be permitted to attend and be heard in their own justification, and that such person or persons as can throw light upon this important subject be ordered to attend and give their evidence; that, after the fullest information and the most free and open discussion of the matter, the House may be enabled to proceed in so important a business in such manner as shall most effectually quiet the minds of the people.

The question was put, and the yeas and nays being required by Mr. Tilton, they are as follows:

Yeas—Mr. Tilton, Mr. Baning.

Nays—Mr. Read, Mr. Cook, Mr. D. Polk.

So it passed in the negative.

Whereupon, on motion, it is

Resolved, That the said election of a member of this House, in the present year, for the County of Sussex, was not freely, legally, and indifferently made, and it is adjudged by the Council that Simon Kollock, in the indenture of return aforesaid, was not duly elected.

The question being put on the above resolution, the yeas and nays were required by Mr. Tilton, and they are as follows:

Yeas—Mr. Read, Mr. Cook, Mr. Polk, Mr. Baning.

Nay—Mr. Tilton.

So it passed in the affirmative.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to 10 o'clock on Monday morning.

MONDAY, A. M., November 5th, 1787.

The Council met. Present the same members.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

A motion was made by Mr. Tilton, seconded by Mr. Baning, that he should have leave to enter his reasons of dissent and protest against the resolution of Saturday last on the subject of the late election of Sussex County, and, after debate, a motion was made and seconded to postpone the consideration of the said motion, and to take up the following, to wit: Whether such reasons of dissent and protest on this or on any other occasion should be admitted to be entered on the minutes of this House, as the entering of the yeas and nays of every member on any question taken in this House, on the request of any one member, was a standing rule thereof? And on the question, the same was postponed accordingly.

Resolved, That to-morrow morning be assigned for the consideration of the last mentioned motion.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., November 6th, 1787.

The Council met. Present the same members.

Agreeable to the order of the day, the Council proceeded to the consideration of the motion of yesterday afternoon, to wit: Whether such reasons of dissent and protest on this or on any other occasion should be admitted to be entered on the minutes of this House, as the entering of the yeas and nays of every member on any question taken in this House, on the request of any one member, was a standing rule thereof? And on the question, the yeas and nays were required by Mr. Read, and they are as follows:

Yea—Mr. Tilton.

Nays—Mr. Read, Mr. Cook, Mr. Polk, Mr. Baning.

So it passed in the negative.

Mr. McCall, a member of the House of Assembly, was admitted and he returned to the Chair the bill for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number, concurred in by that House.

Ordered that the said bill be engrossed.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Mr. Laws appeared in the House and took his seat.

Mr. Evans, a member of Assembly, was admitted, and he delivered to the Chair a bill entitled "An act to repeal an act entitled 'An act for the further security of the Government,' " which was read.

Ordered to lie on the table.

Ordered, That the petitions from sundry of the inhabitants of Sussex County, against the late election in said County, be returned to the House of Assembly by Mr. Laws.

Adjourned to to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., November 7th, 1787.

The Council met. Present the same members.

The report of the committee of the House of Assembly upon that part of James Adams' petition which appeals from the Auditor's report, and the resolution of that House upon the said appeal, were read a second time, and the said resolution was concurred in by the Council.

The bill for granting to Oliver Evans an exclusive right in making certain machines, was read the third time by paragraphs and passed the House.

Ordered, That the said bill, with the several papers which accompanied the same, and the resolution of the House of Assembly upon the appeal of James Adams, with the petition and the account of the said James Adams, and the report of the committee of the House of Assembly on the same, be returned to the House of Assembly by Mr. Cook.

Ordered, That the Speaker sign the engrossed bill entitled "An act for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number;" which was done accordingly.

Ordered, That Mr. Cook wait on the House of Assembly with the said engrossed bill, in order that the same may be signed by the Speaker thereof.

The bill entitled "An act to repeal an act entitled 'An act for the further security of the Government,'" was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, A. M., November 8th, 1787.

The Council met. Present the same members.

Mr. Revell, a member of Assembly, was admitted, and he delivered to the Chair certain resolutions of that House for calling a Convention for the purpose of ratifying the Federal Constitution.

Ordered to lie on the table.

On motion, by order, the ordinance of Congress of May, 1787, for settling the accounts between the United States and individual States, was read.

Ordered, that Messrs. Read, Tilton, and Laws be a committee to whom the said ordinance shall be referred, to report what may be necessary to be done thereon on the part of this State.

The resolutions of the House of Assembly for calling a Convention were read. Deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Mr. Evans, a member of Assembly, was admitted, and he delivered to the Chair a resolution of that House respecting their intention to conclude the present session on Saturday next by adjourning the same to some future day; which was read.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., November 9th, 1787.

The Council met. Present the same members.

The resolutions of the House of Assembly for calling a Convention for the purpose of ratifying the Federal Constitution, were read a second time.

The Clerk of this House laid on the table four petitions from sundry inhabitants of New Castle County, and a petition from the Grand Jurors of the Court of Oyer and Terminer, held at New Castle on the 5th of October, 1787, in favor of the Federal Constitution; also two petitions from sundry inhabitants of the said county for a cession of district to Congress for exclusive jurisdiction; which said petitions were delivered to him by the Clerk of the House of Assembly.

The said petitions were severally read. Ordered to lie on the table.

Sundry amendments being proposed by the Council to the resolutions of the House of Assembly for calling a State Convention,

Ordered, That the same be transcribed and sent to the House of Assembly for their consideration and concurrence.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Ordered, That Mr. Cook wait on the House of Assembly with the amendments offered by Council to the resolutions for calling a State Convention.

Mr. Robinson, a member of Assembly, was admitted, and he delivered to the Chair a bill entitled "An act for altering the place of election for the County of Sussex for the present year one thousand seven hundred and eighty-seven;" which was read, with two petitions from sundry inhabitants of Sussex County, on which the said bill is founded.

Ordered to lie on the table.

On motion, ordered,

That a new election be had in the County of Sussex of a member for this House, in the place of Simon Kollock, Esq., who was declared not duly elected by the resolve of Saturday last, and that the Speaker issue a writ accordingly.

By special order, the last mentioned bill was read a second time and deferred for further consideration.

Mr. Grantham, a member of Assembly, was admitted and he delivered to the Chair the following resolution of that House:

IN THE HOUSE OF ASSEMBLY,

FRIDAY, P. M., Nov. 9th, 1787.

On motion,

Resolved, That Mr. Grantham wait upon the Council and propose to that honorable House that both Houses of the General Assembly meet, in the Council Chamber, to-morrow, at three o'clock in the afternoon, to put in nomination persons to be balloted for as Delegates to represent this State in the Congress of the United States until the first Monday in November next.

JAMES BOOTH, *Cl'k of Assembly*.

Sent for concurrence.

The said resolution was read and concurred in by the Council.

Ordered, That Mr. Cook wait upon the House of Assembly and return the said resolution, as acted upon by the Council.

Mr. Cook reported the delivery of the said resolution according to order.

Adjourned to ten o'clock, &c.

SATURDAY, A. M., November 10th, 1787.

The Council met, &c.

Mr. Vining, a member of Assembly, being admitted, delivered to the Chair the resolutions for calling a State Convention, with the several amendments proposed thereto by the Council acceded to by the House of Assembly, which said resolutions, as amended and agreed to by both Houses, are as follows:

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
FRIDAY, P. M., November 9th, 1787.

WHEREAS the Convention of Deputies from the United States, lately assembled at the City of Philadelphia, have proposed a Constitution for the said States, to be submitted to a Convention of Delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification; and that each Convention assenting to, and ratifying the same, should give notice thereof to the United States in Congress assembled;

And whereas the United States in Congress assembled have *unanimously resolved* that the said Constitution, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State by the people thereof, in conformity to the resolves of the Convention made and provided in that case;

And whereas it is the sense and desire of great numbers of the good people of this State, signified in petitions to this General Assembly, that speedy measures should be adopted to assemble a Convention within the State for the purpose of deliberating and determining on the said Constitution;

Resolved, 1. That it be, and hereby is, recommended to the freemen and inhabitants of this State, who are qualified by law to vote for Representatives to the General Assembly, that they choose suitable persons to serve as Delegates in a State Convention for the purpose herein before mentioned, that is, for the three Counties the same number of Delegates that each is entitled to of Representatives in the General Assembly, to wit: ten for the County of New Castle; ten for the County of Kent; and ten for the County of Sussex.

2. That the elections for Delegates aforesaid, in the respective Counties of this State, be held on Monday the 26th day of this instant November, at the same places where the general elections for Representatives to the General Assembly are or may be by law appointed to be held; and that the same be conducted by the officers who conduct the said election of Representatives, and agreeably to the rules and regulations thereof; and that the persons so elected to serve in Convention, meet at the Town of Dover on the Monday following.

3. That the Delegates who attend the said Convention be entitled to the same allowance per diem as Representatives to the General Assembly are entitled to receive for their attendance; which said allowance shall be paid by the State Treasurer, upon receiving an order for the same, signed by the President of this State.

4. That the President or Commander-in-Chief transmit to the Convention aforesaid, when met, an authentic copy of the Federal Constitution aforesaid.

5. That the proposition submitted to the General Assembly, by petition from divers of the freemen resident in the upper part of this State, of ceding to the United States a district within the State for the Seat of the Government of the United States, and for the exclusive legislation of Congress, be and hereby is recommended to the particular consideration of the Convention.

6. That for the information of the citizens of this State the

Clerk of this House cause the aforesaid resolutions to be published in the Delaware Gazette, and procure one hundred copies to be printed, and transmitted to the Sheriffs of the several Counties, to be by them fixed up at the most public places in their Counties respectively.

Signed by order of the House of Assembly,

JEHU DAVIS, *Speaker*.

Sent for concurrence.

In Council, Saturday, A. M., November 10th, 1787, read and concurred in.

Signed by order of the Council,

THOMAS McDONOUGH, *Speaker*.

On motion, by order,

The bill entitled "An act for altering the place of election for the County of Sussex for the present year, 1787," was read the third time by paragraphs and passed the House.

On the question being put on the said bill, the yeas and nays were required by Mr. Tilton, and they are as follows:

Yeas—Mr. Read, Mr. Cook, Mr. Polk, Mr. Laws, Mr. Baning.

Nay—Mr. Tilton.

So it passed in the affirmative.

Ordered, That the said bill, with the petition which accompanied the same, be returned to the House of Assembly.

Ordered, That the resolutions for calling a State Convention, with the several petitions in favor of the Federal Constitution, and the petitions for the cession of a district to Congress for exclusive legislation, be returned to the House of Assembly.

The committee to whom was referred the ordinance of Congress, of the 7th of May last, for settling the accounts between the United States and individual States, to report what might be necessary to be done thereon on the part of this State, now made their report; which was read.

The said report was read a second time and agreed to, as follows:

WHEREAS Eleazar McComb, Esq., the Auditor of Accounts for this State, on the 24th June, 1786, was elected by the General Assembly the Commissioner to complete a settlement of the accounts of this State with the United States; and some doubts have been made by Mr. McComb, whether the said appointment continues, so as to authorize him to proceed in the said business with the Commissioner, or his deputy, appointed under the ordinance of Congress, of the 7th May last, for settling the accounts between the United States and individual States for the district of which this State forms a part; therefore

Resolved, That it is the opinion of this General Assembly, that the appointment made of the said Eleazar McComb as aforesaid doth still continue; and he is hereby authorized and required to use all due diligence in collecting and stating such accounts of this State as come within the description of the accounts and claims of individual States against the United States, as enumerated in the ordinance aforesaid; and to procure sufficient or the best attainable vouchers to support the accounts and claims of this State against the United States; and for this end he is hereby empowered to call for books and papers relating to the same, which have come to the hands or possession of any person in public office or appointment, or after into the possession of others by means thereof, giving descriptive acknowledgments thereof to the person from whom they may be received; and finally to transact with the Commissioner of the District all the necessary business relative to this important object.

2. That in case of the death, inability, or refusal to act, of the said Eleazar McComb, as State Commissioner as aforesaid, it is the opinion of the General Assembly that his Excellency the President, in their recess, appoint some other suitable person to act as State Commissioner in the business aforesaid.

3. That Mr. McComb, as Auditor of this State, do forthwith call to account all persons who have been in any ways intrusted with any public monies belonging to the State, or wherewith the State may be chargeable, or who may have been appointed or employed on behalf of the State, or any part thereof, in collecting or receiving of supplies intended for the use of the United States, that the Auditor, in his character of State Commissioner as afore-

said, may be the better enabled to make the exhibits on the part of this State against the United States, within the time limited by the ordinance of Congress aforesaid; and in case of refusal or neglect so to account, that the Auditor, without delay, thereafter cause process to be issued against every such delinquent, as in and by the act for the auditing and arranging the accounts of this State it is prescribed.

4. That Mr. McComb ought to have an allowance adequate to his services as State Commissioner, and that this General Assembly, at their future meeting, will make provision therefor; or in case of other appointment as aforesaid in like manner for such appointee.

Ordered, That the said resolutions be transcribed and sent to the House of Assembly for their consideration and concurrence.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

The Speaker laid on the table a bill entitled "An act to alter and supply certain parts of an act entitled 'An act for raising £10,500 for the service of the year 1787,' and to repeal an act for appropriating the sum of £10,500, and for other appropriation thereof, and other purposes,'" with a petition and three memorials from sundry of the inhabitants of New Castle County, praying a repeal of the appropriation act; which said papers were delivered to him by a member of Assembly after the adjournment of Council; which said bill was read.

Ordered to lie on the table.

WHEREAS it appears by the report of a committee of the House of Assembly, of the 27th of January last, on page 28 of the printed minutes, that large sums have been advanced by this State on behalf of the United States, amounting to more than

ten thousand five hundred pounds, which this State ought to have had a credit for with the United States, on former specie requisitions of Congress, and to which sum further additions, in the opinion of the Auditor, may now be made; and as great delay hath happened with respect to the obtaining those credits; it is therefore

Resolved, That it be recommended to his Excellency the President that he take effectual order to have the business aforesaid performed as soon as reasonably may be, and that he appoint some suitable person to collect all vouchers relative to, or necessary for, the same; and to personally solicit such a credit at the Board of Treasury of the United States, or other public office connected therewith, at the expense of the State; and for this end the President may draw his order on the State Treasurer for such sum, in advance, for this service, as he may judge reasonable.

Ordered, That the said resolution be transcribed, and sent to the House of Assembly for their concurrence.

Agreeable to the order of the day, the Council and the House of Assembly met, in the Council Chamber, and proceeded to the nomination of persons as Delegates to represent this State in Congress.

But it was previously

Resolved, That three persons be elected as Delegates from this State to Congress, &c.

The following persons were then put in nomination, to wit: Major John Patten, Isaac Grantham, Esq., Dyre Kearny, Esq., Nathaniel Mitchell, Esq., and Thomas Rodney, Esq.

Then the two Houses separated for the space of fifteen minutes.

The Council and the House of Assembly now met, in the Council Chamber, and proceeded, by joint ballot, to the election of Delegates to represent this State in the Congress of the United States of America until the first Monday in November next, and the ballots being taken and examined, Dyre Kearny, Nathaniel Mitchell, and Thomas Rodney, Esquires, were declared to be duly elected.

Then the two Houses separated.

By special order, the bill to alter and supply certain parts of the act for raising ten thousand five hundred pounds, &c., was read a second time.

The said bill was read the third time by paragraphs and passed the House.

On the question for passing the same being put, the yeas and nays were required by Mr. Tilton, and they are as follows:

Yeas—Mr. Cook, Mr. Read, Mr. Laws, Mr. Polk.

Nays—Mr. Tilton, Mr. Banning.

So it was determined in the affirmative.

Mr. Raymond, a member of Assembly, was admitted and he returned the resolutions of Council continuing the powers of Eleazer McComb, Esq., as State Commissioner, and the resolution for the President to appoint some suitable person to collect vouchers, &c., both concurred in by the House of Assembly.

Ordered, That the Clerk of this House make out two copies of the first resolutions, one to be delivered to the President, and the other to the Auditor; also one copy of the last mentioned resolution for the President.

Then the Council allowed the following accounts for the attendance of the members and for public service rendered to the State:

To the Hon. Thomas McDonough, Esq., Speaker,	
for 21 days' attendance and for mileage, . . .	£ 19 18 0
To George Read, Esq., for 19 do. do., . . .	12 18 0
To James Tilton, Esq., for 17 do., . . .	10 4 0
To John Banning, Esq., for 18 do., . . .	10 16 0
To John Cook, Esq., for 20 do. do., . . .	12 8 0
To Daniel Polk, Esq., for 21 do. do., . . .	13 18 0
To Alexander Laws, Esq., for 21 do. do., . . .	13 14 8
To James Sykes, Esq., Clerk, for 23 do., . . .	14 7 6
To James Sykes, Esq., for transcribing the minutes,	
&c., &c., . . .	37 14 4½
To Mrs. Elizabeth Battell, for the use of a room,	
&c., . . .	13 10 0
To Benjamin Crooks, Sergeant-at-Arms, . . .	8 17 0
	£168 5 6½

Resolved, That orders be drawn on the State Treasurer, and signed by the Speaker, for the payment of the several sums aforesaid.

Whereupon orders were drawn and signed accordingly.

Ordered, That the Clerk of this House transcribe the Minutes of the Council of the session of August last, and of the present session, November, and that Messrs. Tilton and Cook revise the said transcribed minutes and superintend the printing of two hundred copies of the same.

Mr. McCall, a member of Assembly, attending, was admitted, and he delivered to the Chair a resolution of that House for affixing the Great Seal to the several laws passed this session of the General Assembly; which was read, and follows in these words:

IN THE HOUSE OF ASSEMBLY, Nov. 10th 1787.

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following laws:

1. "An act for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a less number;"

2. "An act granting to Oliver Evans, for a term of years, the sole and exclusive right of making and selling within this State the machines herein described;"

3. "An act for altering the place of election for the County of Sussex for the present year, 1787;"

4. "An act to alter and supply certain parts of an act entitled 'An act for raising £10,500 for the service of the year 1787,' and to repeal an act entitled 'An act for appropriating the sum of £10,500,' and for other appropriation thereof, and other purposes.'"

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly*.

Resolved, That this House concur in the said resolution.

The same member also delivered to the Chair the bills above mentioned engrossed, in order to be signed by the Speaker.

Ordered, That the Speaker sign the aforesaid engrossed bills; which was done accordingly.

Ordered, That the said bills, with the resolution for affixing the Great Seal, as concurred in by this House, be returned to the House of Assembly by Mr. Laws;

Who reported, &c.

On motion, ordered that the time and place specified in the act, passed this present session, for altering the place of election for the County of Sussex for the present year, be inserted in the writ ordered on Friday last for a new election in that county.

The Clerk of the House of Assembly delivered to the Council a written notice, signed by the Speaker of the House of Assembly, that the House of Assembly had this day adjourned to Monday, the seventh day of January next.

The Council then adjourned to the same day.

MINUTES OF COUNCIL.

1788.

MEMBERS' NAMES.

FOR NEW CASTLE COUNTY :

GEORGE READ, NICHOLAS VANDYKE, THOMAS McDONOUGH.

FOR KENT COUNTY :

JAMES TILTON, JOHN BANING, JOHN COOK.

FOR SUSSEX COUNTY :

DANIEL POLK, ALEXANDER LAWS, ISAAC HORSEY.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1788.

At a meeting of the Council, by adjournment, at Dover, January 7th, 1788, a sufficient number of the members not having met to form a quorum, they adjourned from day to day until Friday, the 18th of the same month, when there appeared as follows:

For New Castle County—Thomas McDonough, Esq., Speaker, George Read.

For Kent County—James Tilton, John Baning, Jno. Cook.

For Sussex County—Daniel Polk, Alexander Laws.

It appears by the returns of the officers of the County of Sussex, appointed by law to be Judges of Elections, that on the 26th of November last, at the house of Rob. Griffith, at Deep Creek Furnace, usually called Vaughn's Furnace, in Nanticoke Hundred, that Isaac Horsey, of the said county, was chosen to represent the said county as a member of the Legislative Council of the Delaware State for three years next ensuing the said election.

James Sykes, Esquire, Clerk of this House, having resigned, the House proceeded to the choice of a Clerk, when John Edmunds Clayton was unanimously chosen; who then took the oath prescribed by the Constitution, and subscribed the declaration of faith therein required, and also took and subscribed the oath of office. [*See note on page 11.*]

Mr. Speaker laid on the table a petition, signed by a number of the inhabitants of Sussex County, delivered him by a member of the House of Assembly, complaining of an undue election at the time aforesaid, together with a list of witnesses for the petitioners, and praying that inquiry should be made into the truth of the facts stated therein, and that they might be heard by Council.

On motion, ordered that the same be read; which was done accordingly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, except Mr. Tilton.

The Speaker laid on the table a letter from James Adams, of Wilmington, printer, of the 10th instant, praying the House that they would favor him with the printing of the business of their House, and containing an account for printing 200 copies of the votes and proceedings of their House from a session in October, 1783, to their session in May, 1787, both included, making fifty-five sheets, at 28s. a sheet, and for conveying the Kent and Sussex numbers of those copies to Dover.

The same were read and referred to the Auditor.

On motion, by special order, the petition from Sussex County, complaining of an undue election, was read a second time.

Whereupon it is ordered,

That it be notified to such of the petitioners as may be in the Town of Dover, that the Council will be ready, to-morrow, at eleven o'clock in the forenoon, to go into an inquiry of the facts set forth in their petition complaining of an undue election in Sussex County, on the 26th of November last, for a member of this House, and that they may be heard by one gentleman of the law, as their counsel, on this business.

Ordered also,

That Peter Fretwell Wright, High Sheriff of Sussex County, and now in attendance in the Town of Dover under the order of the House of Assembly, be notified to attend the Council at the time aforesaid, for examination respecting the said election, and that the foregoing orders be transcribed by the Clerk, to wit: two copies, one to be served by the Sergeant-at-Arms on such of the petitioners aforesaid as may be in Dover, returning the names of the persons served therewith to this House at the time aforesaid, and the other on the High Sheriff aforesaid.

Adjourned to ten o'clock to-morrow morning.

SATURDAY, A. M., January 19th, 1788.

Council met. Present the same members.

On motion, ordered that the doors of this House be set open during the inquiry into the validity of the Sussex election.

The Sergeant-at-Arms reported that he had notified, agreeable to the orders of yesterday, Peter F. Wright, the High Sheriff of Sussex County, and such of the petitioners as were in the Town of Dover, viz: William Clayton Mitchell, Simon Kollock, Isaac Atkinson, Nathaniel Waples, William Peery, and David Hall.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment. Present the same members, and Mr. Tilton.

On motion, ordered that the Sheriff of Sussex County be

again notified to attend this House to be examined concerning the Sussex election, who appeared in the House.

On motion, ordered that the petition from Sussex County, complaining of an undue election, be read by the Clerk to him; which was done accordingly.

Council then went into the examination of Peter F. Wright, Sheriff of Sussex County, concerning the late election, and after some time, on motion, he obtained leave to withdraw.

Adjourned to Monday morning, 10 o'clock.

MONDAY, January 21st, 1788, A. M.

Council met according to adjournment.

The Doorkeeper informed the Speaker that Joseph Miller, Esq., as Counsel for the petitioners complaining of the undue election, then was in waiting and desired to be admitted before the Council.

Whereupon he was admitted, and made his apology for not attending sooner upon the business aforesaid. And he informed the House that such of the petitioners as had been attendant on the like complaint made to the House of Assembly, and also the witnesses produced to and examined by the House of Assembly, were gone to their respective places of residence; that the examinations had before the House of Assembly, as well of the witnesses in the petitioners list as others, were before the House of Assembly on oath and reduced to writing there, and probably did contain sufficient information for the Council to proceed into the inquiry of the facts alleged by the petitioners in their complaint, and that, as their counsel, he prayed that the depositions so taken might be admitted in evidence before this House.

And then the House took into consideration the proposition made by Mr. Miller on the part of the petitioners, Mr. Horsey, the returned member for Sussex County being present, and

thereupon recommended it to Mr. Miller to reduce his proposition in writing, and present the same at the meeting of the House in the afternoon, when it was also recommended to the returned member to declare his sense thereof in writing.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met according to adjournment.

Mr. Miller, counsel on the part of the petitioners, presented to the Chair the following petition, viz:

To the honorable the Legislative Council of the Delaware State :

The subscriber respectfully represents, that as the witnesses summoned by the honorable Assembly to give evidence on the controverted election for the County of Sussex, agreeably to the prayer of the petition now before the honorable Legislative Council, have returned home, and as the testimony of those witnesses has been taken in writing by the other honorable branch of the Legislature, the subscriber, in order to avoid expense and delay, prays, on behalf of the petitioners, whom he represents as their counsel, that the depositions of the said witnesses, as taken by the honorable Assembly, may be received by your honorable House as legal evidence concerning the election now in dispute.

JOSEPH MILLER,

Dover, 21st Jan., 1788.

Counsel for the petitioners.

Mr. Isaac Horsey, the returned member for Sussex County, also presented to the Chair the following declaration, viz:

I, Isaac Horsey, a returned member for the County of Sussex to the Legislative Council of the Delaware State, chosen and elected on the 26th of Nov. last, which election is now controverted, do, for the more easy and speedy determination of the legality of the said election, hereby agree that the depositions lately taken before the honorable House of Assembly of this

State, touching the legality of the said election, may be read and taken as evidence in this House so far forth as may tend to prove either the legality or illegality of said election.

Witness my hand this 21st day of January, Anno Domini,
1788. ISAAC HORSEY.

On motion,

Resolved, That this House, agreeable to the above prayer of Mr. Miller, counsel on the part of the petitioners, and the declaration of Isaac Horsey, returned member, will receive the depositions of the said witnesses, as taken by the House of Assembly, in evidence as to the election now in dispute.

It was then represented by Mr. Miller, counsel on the part of the petitioners, that the House of Assembly, not having yet acted upon the testimony contained in the depositions taken before them on the contested election for Sussex County, he could not, as yet, with propriety, apply to that House for a transmission of those depositions to Council, but that he was informed the business of considering and deciding thereon would be speedily taken up by the House of Assembly and that he should immediately after make the application for such transmission.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., January 22d, 1788.

Council met according to adjournment. Present the same members, except Mr. Cook.

Mr. Speaker laid upon the table a message from the President to the General Assembly, delivered to him by a member of the House of Assembly, accompanied with letters and papers therein referred to; which said message was read, and is as follows:

Gentlemen of the General Assembly:

Since my last message to you the following dispatches have come to my hand:

A letter from the Secretary of Congress, of the 18th of October last, with its inclosures; another from the Board of Treasury, circular, of the 8th of November, with its inclosures; and two others from the Governor of Virginia, one of November 14, the other of December 27, with their inclosures. All of which I have requested your Clerk to lay before your honors, for your consideration.

THOMAS COLLINS.

January 21, 1788.

All which letters and papers were read, except the letter from the Board of Treasury "Circular," of the 8th of November last, with its inclosures, which do not appear among the said letters and papers referred to in the said message.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met according to adjournment.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., January 23, 1788.

Council met. Present the same members.

Mr. Evans, a member of Assembly, attending, was admitted and delivered to the Chair the petitions from Sussex County, signed by four hundred and five petitioners, complaining of an undue election in said county, and the depositions of the witnesses examined and taken, in writing, by the House of Assembly, together with the list of voters and polls, or tallies, concerning the same, for the consideration of this House.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Mr. Vandyke appeared in the House and took his seat.

On motion, ordered,

That a verbal message be sent to the House of Assembly, representing that the Council are informed that the declaration of Rhoads Shankland, Esq., a returned member of the House of Assembly at the late contested election for Sussex County, was received in that House, of a fact stated in the petition against the said election, to wit: "That the said Rhoads Shankland was seen, on the Sunday preceding the said election, at the head of a party, armed with muskets, going toward the place of election;" and the same declaration not appearing among the written testimony laid before the Council respecting the said election, and requesting that the honorable House of Assembly will have that declaration reduced to writing and transmit the same to this House as soon as conveniently may be.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, A. M., January 24, 1788.

Council met according to adjournment. Absent, Mr. Tilton.

Mr. Vining, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following message, viz:

A MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE LEGISLATIVE COUNCIL.

Gentlemen:

The House of Assembly beg leave to inform the Legislative Council that the declaration of Rhoads Shankland, Esquire,

amounted in substance to the following information, viz: "That the said Rhoads Shankland, as the distance from his house to the place of holding the late election was considerable, went part of the way on Sunday evening, on which evening he was overtaken by three men armed with muskets, with whom he rode some distance, after which they separated."

The House now went into the consideration of the petition from Sussex County respecting the contested election, and after some time spent therein, on motion, the same was postponed until three o'clock this afternoon.

Adjourned to 3 o'clock in the afternoon.

EODEM DIE, P. M.

Council met according to adjournment, and, agreeable to order, resumed the consideration of the petitions from Sussex County, together with the testimony transmitted from the House of Assembly respecting the same.

On motion, "Shall Council postpone the business of the Sussex election until to-morrow morning?" Passed in the negative.

On motion, that the petition from Sussex County, complaining of an undue election there, on the 26th of November last, of a member to represent that county in this House, be dismissed, and that the return made of the election of Isaac Horsey as a member of this House, to represent that county, be confirmed; and thereupon

Resolved unanimously, That the said petition be dismissed, and that the said return be confirmed.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., January 25th, 1788.

Council met according to adjournment. Absent, Mr. Baning.

Isaac Horsey, the returned member for Sussex County, now took the oath of allegiance and subscribed the declaration of faith prescribed by the twenty-second article of the Constitution of this State. [*See note on page 10.*]

On motion of Mr. Read, that a committee be appointed to bring in a bill for repealing all such acts or parts of acts as are repugnant to the treaty of peace between the United States and his Britannic Majesty,

The committee appointed to bring in the said bill were Mr. Read, Mr. Vandyke, and Mr. Horsey.

Ordered, That Mr. Polk return to the House of Assembly the President's Message of the 21st of January, together with the letter from the Secretary of Congress, of the 18th of October, and its inclosures, and one set of the letters and resolutions from the President of Virginia, of the 14th of November, and the letter of the 27th of December, with one copy of an act of the General Assembly of that State therein inclosed.

The committee appointed to bring in a bill for repealing all such acts or parts of acts as are repugnant to the treaty of peace between the United States and his Britannic Majesty, now presented a draught thereof on the table; which, by order, was read.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

The Speaker laid on the table a bill entitled "An act for incorporating the Physicians of this State," which had been delivered to him by a member of the House of Assembly. The said bill was read.

Ordered to lie on the table.

The bill for repealing all such acts or parts of acts as are repugnant to the treaty of peace between the United States and his Britannic Majesty, was, by special order, read a second time.

The said bill was read a third time and passed the House.

Ordered, That Mr. Horsey wait on the House of Assembly with the aforesaid bill, for their consideration and concurrence;

Who, being returned, reported the delivery thereof agreeable to order.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., January 26th, 1788.

Council met agreeable to adjournment. Mr. Baning now appeared in the House.

Mr. Massey, a member of the House of Assembly, attending, was admitted and presented to the Chair a memorial of Joshua Clayton, Esquire, together with a report of a committee of that House respecting the same; which, upon motion, were read the first time.

The bill empowering the Board established by Congress to liquidate and settle the accounts between the United States and individual States, having been read in Council the 2d of February, 1787, was now read a second time.

On motion, that the same be referred to a committee of three to report thereon, the members appointed were Mr. Vandyke, Mr. Read, and Mr. Baning.

Council now went into the consideration of the bill to repeal the act entitled "An act for the further security of the Government," which was read the first time in Council on the 6th of November last, and the same was postponed until Monday next.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

Mr. Polk, a member of the House of Assembly, attending, was admitted and presented to the Chair a bill for continuing an act entitled "An act for the settlement of the accounts of the Wilmington Lottery."

The same member also returned the bill for repealing all acts or parts of acts repugnant to the treaty of peace between the United States and his Britannic Majesty, concurred in by that House.

Whereupon ordered that the said bill be engrossed.

The bill for continuing an act entitled "An act for the settlement of the Wilmington Lottery," was read the first time.

Mr. Read presented to the Chair a petition of William Brown, praying an appointment of Judges of Appeals; which was read.

Ordered to lie on the table.

The bill for continuing an act entitled "An act for the settlement of the accounts of the Wilmington Lottery," was, by special order, read a second time and passed the House.

Ordered, That Mr. Polk wait on the House of Assembly and return the said bill, concurred in by Council.

Adjourned to 10 o'clock on Monday morning.

MONDAY, A. M., January 28, 1788.

Council met according to adjournment.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

The House now resumed the consideration of the bill to repeal the act entitled "An act for the further security of the Government," and the same was deferred for further consideration.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., January 29, 1788.

Council met according to adjournment.

Mr. Speaker laid upon the table a petition of Sarah Tully, for appointing Commissioners for the Town of Dover, a report of a committee of the House of Assembly thereupon, and a bill appointing Commissioners for the town aforesaid, &c., which were delivered him by a member of that House.

The said papers were severally read. Ordered to lie on the table.

Mr. Hazzard, a member of the House of Assembly, attending, was admitted and presented to the Chair three petitions from sundry owners of marshes on St. Georges Creek, together with a report of two of a committee appointed to view said marsh; also a bill entitled "A supplementary act to an act entitled 'An act for stopping St. Georges Creek and for embanking and draining a quantity of marsh and cripple on both sides the said creek, being deemed about three thousand acres, situate in Red Lion and St. Georges Hundreds and County of New Castle, and for keeping the dykes and drains belonging to the same in good order and repair,' " and a letter from William Hall to Henry W. Pearce, accompanying the same.

On motion, by order, the said papers were severally read.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

The committee to whom was referred the bill to authorize the Board established by Congress for liquidating public accounts and call before them witnesses, &c., now report, that they apprehend such provision as was intended by the said bill to be made is rendered unnecessary by an alteration in the establishment of the board aforesaid and a repeal of the act of the 13th of October, 1786, by their subsequent act of May last.

Which report being read and approved, the bill aforesaid is disagreed to, and ordered to be returned to the House of Assembly, with a copy of the foregoing entry of the report and proceeding thereon.

Ordered, That Mr. Vandyke wait on the House of Assembly and return the said bill, with the report of the committee thereon, and a letter, of the 16th of October, 1786, from the Secretary of Congress, No. 5, and its inclosure, No. 5.

Council now resumed the consideration of the bill for repealing an act entitled "An act for the further security of the Government;" whereupon, on motion, ordered that the said bill be referred to a committee of three, viz: Mr. Vandyke, Mr. Read, and Mr. Polk, to report thereon.

The memorial of Joshua Clayton, Esquire, and the report of a committee of the House of Assembly thereupon, was, by order, read a second time; and the question being put, "Do this House agree to the said report?" the House was divided, and Mr. Speaker gave his voice in the affirmative.

Ordered, That Mr. Laws wait on the House of Assembly and return the said memorial, with the report of the committee thereupon.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, A. M., January 30, 1788.

The Council met according to adjournment.

Mr. Laws reported the delivery of the last mentioned papers to the House of Assembly, agreeable to order.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

On motion, by order, the bill entitled "An additional supplementary act to an act entitled 'An act for stopping St. Georges Creek and for embanking and draining a quantity of marsh and cripple on both sides of the said creek, &c.,'" was read a second time.

On motion, that Mr. Henry W. Pearce, one of the principal owners of the marsh aforesaid, be admitted before this House to give information respecting the circumstances of the marsh and cripple on the said St. Georges Creek, the same was granted.

Council then proceeded to the consideration of the said bill, and after some time spent therein, the same was deferred until to-morrow morning.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, A. M., January 31st, 1788.

Council met according to adjournment. Mr. Tilton now appeared in the House.

Mr. Massey, a member of the House of Assembly, attending, was admitted and delivered to the Chair a paper, No. 1, purporting to be proposals, by George Read, to the honorable committee of that House, as to a revision of the Acts of Assembly of this State for the purpose of reprinting the same, and a resolution of that House accepting and agreeing to the said proposals.

Agreeable to the order of yesterday, Council resumed the consideration of the bill entitled "An additional supplementary act to an act entitled 'An act for stopping St. Georges Creek, &c;'" which, by order, was read a third time by paragraphs, and an amendment proposed and agreed to.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Ordered, That the amendment proposed to the last mentioned bill be transcribed and sent, with the said bill, to the House of Assembly, by Mr. Laws, for their consideration.

Mr. Laws reported the delivery thereof according to order.

On motion, by order,

The paper, No. 1, purporting to be proposals by George Read, Esq., for revising the Laws of this State, and the resolution of the House of Assembly thereon, were read the first time.

Mr. Cannon, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following resolution:

IN THE HOUSE OF ASSEMBLY, P. M., Jan. 31, 1788.

On motion,

Resolved, That Mr. Cannon wait on the Council, and propose to that honorable body that both Houses of the General Assembly meet, in the Council Chamber, to-morrow morning at twelve o'clock, to put in nomination persons to be balloted for to fill the vacancies of Justices for the Courts of Common Pleas and Orphans' Courts for the Counties of New Castle and Kent.

Extract from the minutes.

JAS. BOOTH,

Sent for concurrence.

Cl'k of Assembly.

The same member delivered to the Chair a resolution of that House for adjourning on Saturday next to some future day, and returned also the bill entitled "A supplementary act to an act entitled 'An act for stopping St. Georges Creek, &c.,'" and the amendment proposed by Council acceded to by that House.

The said resolution was read.

On motion,

Resolved, That Council concur in the above resolution of the House of Assembly for putting in nomination persons to be balloted for to supply the vacancies of Justices in the Courts of Common Pleas and Orphans' Courts for the Counties of New Castle and Kent.

Ordered, That the same be returned to the House of Assembly, by Mr. Polk, as concurred in by this House.

Adjourned to ten o'clock to-morrow morning.

FRIDAY, A. M., February 1, 1788.

The Council met according to adjournment.

Mr. Shankland, a member of the House of Assembly, attending, was admitted and presented to the Chair the Auditor's Report of the 6th of November, 1787, and a report of a com-

mittee of that House respecting the revising and reprinting the Laws of this State, which had been omitted amongst the papers sent to Council yesterday afternoon respecting the same; which said papers were, by order, severally read.

On motion,

Resolved, That the Auditor's Report aforesaid be concurred in.

Mr. Robinson, a member of the House of Assembly, being admitted, presented to the Chair a petition of William Brown for the institution of a Court of Appeals, a report of a committee of that House thereupon, and a bill for establishing a Court of Appeals.

The Council and the House of Assembly met, in the Council Chamber, and proceeded to the nomination of persons out of whom Justices shall be elected, by ballot, to fill the vacancies in the Courts of Common Pleas and Orphans' Courts for the Counties of New Castle and Kent, as follows:

For New Castle County—Thomas McDonough, Esq., Thomas Robinson, Esq.

For Kent County—John Clayton, Esq.

Resolved, That the Speakers of the two Houses be desired to notify his Excellency, the President, by letter, of the aforesaid nominations, and to request his attendance, at one o'clock in the afternoon of to-morrow, to ballot for Justices to fill the vacancies aforesaid.

Resolved, That both Houses now separate, and that they meet again to-morrow, at one o'clock in the afternoon, to ballot for Justices to fill the vacancies aforesaid.

Then the two Houses separated, and Council adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Mr. Massey, a member of the House of Assembly, attending, was admitted and presented to the Chair a bill for suspending the operation of an act respecting the estate of John Vining, Esq., deceased.

Ordered, That Mr. Tilton wait on the House of Assembly and return the Auditor's Report of the 6th of November, 1787, concurred in by this House.

On motion, by order,

The memorial of William Brown, and the report of the committee of the House of Assembly thereon, together with the bill for establishing a Court of Appeals for this State, were severally read.

Ordered to lie on the table.

The bill for suspending the operation of an act respecting the estate of John Vining, Esq., deceased, was, by order, read.

Ordered to lie on the table.

By special order, the bill for establishing a Court of Appeals, was read a second time.

The said bill was read a third time by paragraphs, and after several amendments being proposed and agreed to, the same was ordered to be transcribed and sent, with the said bill and the several papers which accompanied the same, to the House of Assembly, for their consideration.

Mr. Latimer, a member of the House of Assembly, was admitted and delivered to the Chair the Auditor's Report, dated Jan. 29th, 1788, agreed to by that House, sent for the consideration and concurrence of Council.

On motion,

Resolved, That Council concur in the resolution of the House

of Assembly respecting the proposals contained in the paper, No. 1, of George Read, Esq., for revising and reprinting the Laws of this State.

Ordered, That the same be returned to the House of Assembly, by Mr. Horsey, as acted upon by this House.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., Feb. 2d, 1788.

Council met according to adjournment. Mr. Cook appeared in the House.

Mr. Horsey reported the delivery of the last mentioned papers, agreeable to order.

On motion, by order,

The bill for suspending the operation of an act respecting the estate of John Vining, Esq., deceased, was read a second time.

The said bill was read a third time by paragraphs, and several amendments being proposed thereto, was agreed to by Council.

On motion, by order, the Auditor's Report of the 29th of January, 1788, was read and concurred in.

Ordered, That the amendments proposed to the foregoing bill be transcribed and returned, with the said bill and the Auditor's Report, to the House of Assembly by Mr. Tilton.

The Council and the House of Assembly having met, in the Council Chamber, for the purpose of electing Justices to fill the vacancies in the Courts of Common Pleas and Orphans' Courts for the Counties of New Castle and Kent, it was resolved and declared by both Houses that, although the vacancy in the Court of Common Pleas and Orphans' Court for the County of Kent was occasioned by the appointment of Thomas Collins, Esq., late Chief Justice thereof, to the Presidency of this State, yet it was not the intention of the General Assembly that the

person nominated was to be appointed to fill the place of Chief Justice, but the vacancy *only of a Justice of the said Courts*, and therefore that the nomination for the County of Kent remain open; whereupon a new one was made, as follows:

Richard Smith, Esq., was proposed for Chief Justice; Thomas White, Esq., for second Justice; James Bellach, Esq., for third Justice; John Clayton, Esq., for fourth Justice; and Isaac Carty, Esq., for fourth Justice of the said Courts.

Resolved, That both Houses meet, in the Council Chamber, at three o'clock in the afternoon, to elect Justices to fill the vacancies aforesaid.

The two Houses being informed that, in consequence of the notification of yesterday, his Excellency, the President, is now in town,

Ordered, That Mr. Grantham, Mr. Vining, and Mr. Mitchell be a committee to wait on his Excellency, the President, and inform him that the General Assembly will be convened, in the Council Chamber, at three o'clock in the afternoon, to elect Justices to fill the vacancies in the Courts aforesaid, and request the attendance of his Excellency.

Then the two Houses separated, and Council adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Agreeable to the order of the day, the Council and the House of Assembly met, in the Council Chamber, and his Excellency, the President, being conducted in by the committee, the President and General Assembly proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancies in the Court of Common Pleas and and Orphans' Court for the County of New Castle, and the ballot being taken and examined, Thomas McDonough, Esq., was declared to be duly elected third Justice

of the said Courts, and Thomas Robinson, Esq., was declared to be duly elected fourth Justice of the said Courts.

The President and General Assembly proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancy in the Court of Common Pleas and Orphans' Court for the County of Kent, and the ballots being taken and examined, Richard Smith, Esq., second Justice, was declared to be duly elected Chief Justice of the said Courts; Thomas White, Esq., third Justice, was declared to be duly elected second Justice of the said Courts; James Bellach, Esq., fourth Justice, was declared to be duly elected third Justice of the said Courts, and John Clayton, Esq., was declared to be duly elected fourth Justice of the said Courts.

The President withdrew, both Houses separated, and the Council met in the Council Chamber.

The House went into the nomination, and afterwards balloted for three persons as Judges of the Court of Appeals, and the votes being cast up, it was declared that John Dickinson, Nicholas Vandyke, and Joshua Clayton, Esquires, were duly elected.

Ordered, That the same be transcribed and sent to the House of Assembly by Mr. Cook.

Mr. Hazzard, a member of the House of Assembly, was admitted and presented to the Chair a letter from the Honorable Dyre Kearney to the Speaker of the House of Assembly, with its inclosures, and a report of a committee of that House thereupon.

Mr. Speaker laid on the table a bill to enforce the collection of outstanding taxes, delivered to him by a member of the House of Assembly, sent for the concurrence of Council; which was read.

By special order, the said bill was read the second time and disagreed to.

On motion, for leave to bring in a bill entitled "A supplementary act to the act entitled 'An act to alter and supply certain parts of an act entitled 'An act for raising ten thousand five hundred pounds for the year one thousand seven hundred and eighty-seven,' and to repeal an act entitled 'An act for appropriating the sum of ten thousand five hundred pounds,' and for other appropriation thereof, and other purposes,'" the same was

granted; whereupon Mr. Read presented to the Chair a bill for that purpose, which was read.

By special order, the said bill was read a second time.

Mr. Massey, a member of the House of Assembly, was admitted and delivered to the Chair the following engrossed bills, viz: "An act to establish a Court of Appeals in this State;" "An act for continuing an act entitled 'An act for the settlement of the Wilmington Lottery,' " and "A further supplement to an act entitled 'An act for the recovery of one thousand five hundred and fifty-three pounds eighteen shillings and six pence, due from the estate of John Vining, Esq., deceased, formerly one of the Trustees of the Loan Office for the County of Kent,' " signed by the Speaker of that House.

The aforesaid acts were then severally compared. Ordered that the same be signed by the Speaker.

The bill entitled "A supplementary act to the act entitled 'An act to alter and supply certain parts of an act entitled 'An act for raising £10,500 for the service of the year 1787,' and to repeal an act,' &c.,'" was read a third time by paragraphs and passed the House.

Ordered, That Mr. Polk wait on the House of Assembly and deliver the aforesaid bill for their consideration and concurrence, and also return the last mentioned engrossed bill together with the engrossed bill entitled "An additional supplementary act to the act entitled 'An act for stopping St. George's Creek, and for embanking and draining a quantity of marsh and cripple on said creek,'" and also the engrossed bill entitled "An act for repealing all acts or parts of acts repugnant to the treaty of peace between the United States and his Britannic Majesty," signed by the Speaker of this House, which last mentioned act is sent to be signed by the Speaker of the House of Assembly.

The same member also returned the bill to enforce the collection of the outstanding taxes, as disagreed to by this House.

On motion, ordered,

That the Clerk of the Council give public notice, by advertisement, to be fixed on the door of the Court House in the Town of Dover, that a bill for appointing Commissioners for the said Town

of Dover, and vesting in them divers powers of regulation, is now before the Council, the consideration whereof will be resumed at their next meeting, at which time any person having objections to the said bill or parts thereof may appear and make the same, and that a copy of the said bill may be obtained by application to the Clerk of the Council.

On motion, by order,

The letter from the honorable Dyre Kearney to the Speaker of the House of Assembly, inclosing the statement of his account with the Delaware State, as also inclosing an account of the honorable Nathaniel Mitchell against the Delaware State, and the resolution of the House of Assembly thereon, were severally read.

Resolved, That the said resolution of the House of Assembly be concurred in.

Ordered, That the said papers be returned to the House of Assembly by Mr. Horsey, as acted upon by this House.

The same member also returned the three petitions of the owners of the St. George's meadows, and a report of a committee of that House thereon.

Resolved, That the Council proceed to put in nomination persons out of whom shall be elected a Privy Councillor in the room of Charles Pope, whose time is expired, agreeable to the Constitution of this State; and thereupon Allen McLane, Esquire, only was nominated.

The House proceeded to the ballot, which being examined, the said Allen McLane, Esq., was declared to be duly elected.

Resolved, That a certificate of the appointment of John Dickinson, Nicholas Vandyke, and Joshua Clayton, Esquires, by the Council, as Judges of the Court of Appeals, be made out, signed by the Speaker, and delivered to the President, in order that they may be commissioned by him, agreeable to the 17th Article of the Constitution or System of Government of this State.

Mr. Polk, a member of the House of Assembly, was admitted and delivered to the Chair the engrossed bill entitled "A supplementary act to the act entitled 'An act to alter and supply certain parts of an act entitled 'An act for raising £10,500 for the service

of the year 1787,' and to repeal an act entitled 'An act for appropriating, &c.,' " signed by the Speaker of that House.

The said bill was compared and signed by the Speaker of Council.

The same member also delivered the following resolution:

IN THE HOUSE OF ASSEMBLY, Feb. 2, 1788.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of the State to the following acts:

1. An act for continuing an act entitled 'An act for the settlement of the accounts of the Wilmington Lottery;'"

2. "A further supplement to an act entitled 'An act for the recovery of one thousand five hundred and fifty-three pounds, eighteen shillings and six pence, due from the the estate of John Vining, Esq., deceased, formerly one of the Trustees of the Loan-Office for the County of Kent;'"

3. "An additional supplementary act to an act entitled 'An act for stopping St. George's Creek, and for embanking and draining a quantity of marsh and cripple on both sides of the said Creek, being deemed about three thousand acres, situate in Red Lion and St. George's Hundreds, and County of New Castle, and for keeping the dikes and drains belonging to the same in good order and repair;'"

4. "An act for repealing all acts, or parts of acts, repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof;"

5. "An act to establish a Court of Appeals in this State;"

6. "A supplementary act to the act entitled 'An act to alter and supply certain parts of an act entitled 'An act for raising ten thousand five hundred pounds for the service of the year one thousand seven hundred and eighty-seven,' and to repeal an act entitled 'An act for appropriating the sum of ten thousand five hundred pounds, and for other appropriation thereof, and other purposes.'"

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly*.

On motion,

Resolved, That the same be concurred in.

Ordered, That Mr. Horsey wait on the House of Assembly and return the said engrossed bills and resolution.

A written notice was delivered to the Chair, signed by the Speaker of the House of Assembly, of the adjournment of that House to the 27th of May next.

Then Council allowed the following accounts, viz:

To the Hon. Thomas McDonough, Esq., Speaker, for his attendance in Council, 25 days and mile- age, ...	£ 23 10 0
To George Read, Esq., for 19 do. and mileage, . . .	12 18 0
To Nicholas Vandyke, Esq., 11 do. do., ...	8 5 0
To John Baning, Esq., 16 do., ...	9 12 0
To James Tilton, Esq., 8 do., ...	4 16 0
To John Cook, Esq., 14 do. do., ...	8 16 0
To Alexander Laws, Esq., 24 do. do., ...	15 10 8
To Daniel Polk, Esq., 18 do. do., ...	11 9 0
To Isaac Horsey, Esq., 18 do. do., ...	12 9 3
To James Sykes, Esq., for transcribing, &c., last ses- sion, ...	3 17 6
To John E. Clayton, 17 days' attendance, engrossing a bill, and cash expended, ...	11 15 9
To Benjamin Crooks, 27 days' attendance as Door- keeper, and notifying seven persons to attend Council, ...	12 15 0
To Mrs. Elizabeth Battell, for the use of a room, fire- wood and candles, ...	20 0 0
	£155 14 2

On motion,

Resolved, That orders be drawn on the State Treasurer by the Speaker for the payment of the several sums aforesaid.

Whereupon orders were drawn and signed accordingly.

Then Council adjourned to the 27th day of May next.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MAY, 1788.

At a session commenced at Dover, on Tuesday, the twenty-seventh day of May, in the year of our Lord one thousand seven hundred and eighty-eight, divers of the members met, but the number not being a quorum, adjourned to Wednesday, when there appeared as follows:

For New Castle County—Thomas McDonough, Esq., Speaker.

For Kent County—James Tilton, John Baning, John Cook.

For Sussex County—Alexander Laws.

By order, the minutes of the last sitting of Council were read.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, A. M., May 29, 1788.

Divers of the members met, but the number not being sufficient to form a quorum, adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., May 30, 1788.

Council met. Present the same members as on Wednesday last.

On motion, by order,

The bill entitled "An act to incorporate the Physicians of the Delaware State, and for other purposes therein mentioned," read in Council on the 25th of January last, was now read a second time.

Ordered that the same be referred to a committee of three, to report thereon. The members appointed are Mr. Speaker, Mr. Tilton, and Mr. Cook.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

Mr. Tilton, from the committee to whom was referred the bill entitled "An act to incorporate the Physicians of the Delaware State, &c.," reported several amendments, which were read and agreed to.

Ordered, That the same be transcribed and sent, with the said bill, to the House of Assembly, by Mr. Cook, for their concurrence.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., May 31, 1788.

Council met. Present the same members, and Mr. Read.

Adjourned to 10 o'clock, Monday morning.

MONDAY, P. M., June 2d, 1788.

Council met. Present all the members, except Mr. Vandyke.

Mr. Vining, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the heirs of Goldsmith Edward Folwell, deceased;" which was read.

Ordered to lie on the table.

Mr. Read applied for leave of absence, which was granted.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., June 3d, 1788.

Council met according to adjournment.

The bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the administrators of G. E. Folwell, deceased," was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Mr. May, a member of the House of Assembly, was admitted and delivered to the Chair several notifications and certificates of Benjamin Chandler relative to a lost deed; which were read.

Council took into consideration the bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the

heirs of Goldsmith E. Folwell, deceased," and after some time spent therein, the same was deferred for further consideration.

The committee to whom was referred the consideration of the bill entitled "An act to repeal the act for the further security of the Government," now report in favor of the same; but are of opinion that provision should be made for the naturalization of foreigners, as the act of Assembly now in being for that purpose, since the change of government, is inadequate thereto; therefore they have essayed a draught of a bill, by way of supplement to that act of Assembly, which they submit to the consideration of Council.

On motion, by order,

The bill entitled "A supplementary act to the act entitled 'An act for naturalization,' " was read.

By special order,

The bill entitled "An act to repeal an act entitled 'An act for the further security of the Government,' " was read a third time by paragraphs and passed the House.

By special order,

The bill entitled "A supplementary act to the act entitled 'An act for naturalization,' " was read a second time, and a third time by paragraphs and passed the House.

Ordered that the said bill be transcribed.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, A. M., June 4, 1788.

Council met according to adjournment.

Ordered, That Mr. Cook wait on the House of Assembly and deliver the last mentioned bill for their consideration and concurrence, and return the bill entitled "An act to repeal an act enti-

tled 'An act for the further security of the Government,' " as agreed to by Council.

Mr. Tilton delivered to the Chair the Auditor's report of the outstanding taxes of this State; which was read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

Mr. Speaker laid on the table the petition of Benjamin Chandler respecting a lost deed, which had been omitted among the other papers relative thereto; also two petitions from divers inhabitants of New Castle County, praying leave to bring in a bill for the establishing of public marts or fairs at Cantwell's Bridge, in said county; which were read.

Ordered to lie on the table.

Mr. Hazzard, a member of the House of Assembly, being admitted, delivered to the Chair a bill entitled "An act to enable John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey unto Reynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land situate in Mispillion Hundred, Kent County;" also the petition on which the said bill is founded, and a communication from the Auditor, of the 4th June, 1788; which were read.

Ordered to lie on the table.

The same member also delivered to the Chair a resolution of the House of Assembly; which was read, and is as follows:

IN THE HOUSE OF ASSEMBLY, June 4, 1788.

On motion,

Resolved, That a Joint Committee of both Houses be appointed to consider the finances of this State of every kind and nature

whatsoever; and for the purpose of enabling such committee to discharge the said duty, and for their information therein, that they be directed to require the Auditor to furnish them with a general account of all debts due by the State, of all debts due to the State, and of all engagements of the public to be speedily complied with, arranging them distinctly in the manner required by the 12th, 13th, and 14th sections of the act for amending and continuing the provisions made in the act for auditing and arranging the accounts of this State; that they have power to require of all officers of this State intrusted with the public monies, mortgages, pledges, or other securities whatsoever, or of any persons whom it may concern, distinct and clear accounts of the same; and to examine into the sufficiency of sureties in all cases where bonds have been given for the execution of such trusts; and generally that they take such steps and report such measures as they may deem necessary to be adopted for the better conducting, directing, and ordering the revenues or finances of this State. The members appointed on the part of this House are Mr. May, Mr. Clayton, Mr. Vining, Mr. Shankland, and Mr. Gordon.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

On motion,

Resolved, That Council concur in the above resolution.

The members appointed on the part of this House, are Mr. Read and Mr. Cook.

Ordered, That Mr. Polk wait on the House of Assembly with the same, as acted upon by this House.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, June 5, 1788, A. M.

Council met according to adjournment.

Mr. McCall, a member of the House of Assembly, being admitted, presented to the Chair a memorial of Thomas Rodney, Esq., executor of the testament and last will of Cæsar Rodney, Esquire, deceased, who was acting Trustee of the Loan Office for the County of Kent, praying a reëxamination of the accounts of the said office, together with a resolution of that House thereupon; which were read, and deferred for further consideration.

The same member also delivered to the Chair a bill entitled "An act to appropriate the perquisites arising on tavern and marriage licenses;" which was read.

Ordered to lie on the table.

On motion of Mr. Read, for leave to bring in a bill for limiting the time for keeping open the Courts of General Quarter Sessions of the Peace and Goal Delivery in the respective Counties of this State, the same was granted; whereupon he presented to the Chair a bill for that purpose; which was read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Mr. Hays, a member of the House of Assembly, was admitted and delivered, for the consideration and concurrence of Council, a bill, which was read, entitled "An act to provide for the appropriation of such certificates of depreciation as have not been claimed by the persons justly entitled to the same," and returned the bill entitled "A supplementary act to the act for naturali-

zation," with an amendment proposed by that House, which was read.

Ordered to lie on the table.

The same member also presented to the Chair the President's message of the 28th of January, 1788, setting forth the many evils which have arisen from the frequent practice of some of the Justices holding their meetings for the administration of justice at public inns or taverns, and the great impropriety of Judges or Justices of the Peace keeping public inns or taverns, and calling the attention of the General Assembly on those subjects; also relinquishing the perquisites arising on tavern and marriage licenses, and requesting the appropriation thereof to some other purpose; which was read.

Ordered to lie on the table.

Mr. Latimer, a member of the House of Assembly, was admitted, and delivered to the Chair a bill entitled "An act to authorize and empower the executors of the testament and last will of Richard McWilliam, the younger, late of New Castle County, deceased, to convey, in trust for the heirs and representatives of Patrick Lyons, deceased, a certain tract or parcel of land situate in Appoquinimink Hundred, in the County of New Castle," together with a petition from the said executors, and sundry other papers, upon which the said bill is founded; which were read.

Ordered to lie on the table.

Mr. Revell, a member of the House of Assembly, was admitted and presented to the Chair a bill entitled "An act to regulate marriages," and a petition upon which the said bill is founded; which were read.

Ordered to lie on the table.

Council resumed the consideration of the bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the administrators of Goldsmith E. Folwell, deceased; which, being read the third time, by paragraphs, and amended, passed the House.

Ordered, That the said amendments be transcribed and sent, with the bill, to the House of Assembly for their consideration and concurrence.

The bill entitled "An act to empower John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey to Reynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land situate in Mispillion Hundred, Kent County," was read a second time.

Ordered, That the said bill, and the petition on which it is founded, be referred to Mr. Cook, Mr. Baning, and Mr. Polk, to report thereon.

Council took into consideration the amendment proposed by the House of Assembly to the bill entitled "A supplementary act to the act entitled 'An act for naturalization,'" and acceded to the same.

Ordered that the said bill be engrossed.

Adjourned to ten o'clock to-morrow morning.

FRIDAY, June 6, 1788, A. M.

Council met according to adjournment.

The committee to whom was referred the bill entitled "An act to empower John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey to Reynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land, &c.," brought in their report; which was read.

Ordered to lie on the table.

The bill entitled "An act to provide for the appropriation of such certificates of depreciation as have not been claimed by the persons justly entitled to the same," was read a second time and deferred for further consideration.

The bill entitled "An act for limiting the time of holding the Courts of Quarter Sessions of the Peace and Goal Delivery in the respective Counties of this State," was read a second time and deferred for further consideration.

The bill entitled "An act to regulate marriages," was read a second time and deferred for further consideration.

A member of the House of Assembly was admitted and delivered to the Chair a bill entitled "An act to continue in force an act entitled 'An act to increase the daily allowance to Grand and Petit Jurors and Witnesses;'" which was read.

Ordered to lie on the table.

The Council proceeded to the consideration of the bill entitled "An act to empower John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey to Reynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land situate in Mispillion Hundred, Kent County;" which, being read the third time, by paragraphs, and amended, passed the House.

Ordered, That the said amendments be transcribed and sent, with the bill, to the House of Assembly for their consideration and concurrence.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

Mr. Speaker laid upon the table a petition of John Darby, of Sussex County, read in the House of Assembly the 19th of January, 1785, setting forth the loss of a certificate, No. 18, for the sum of sixteen pounds nineteen shillings and six pence, signed by Peter White, Receiver General of Supplies for Sussex County, and a report of the Auditor thereupon; which said certificate is since found and now produced before Council; therefore

Resolved, That the said petition and report be dismissed.

By special order,

The bill entitled "An act for limiting the time for keeping open the Courts of General Quarter Sessions of the Peace and

Goal Delivery of the respective Counties of this State," was read the third time by paragraphs and passed the House.

Mr. Shankland, a member of the House of Assembly, was admitted and presented to the Chair the following papers, which were read: A petition of Frederick Craig and Co., and a resolution of that House upon the same, for the payment of twenty pounds to the said Craig and Co., to assist in the establishment of a post to ride from Wilmington to Lewestown, and for sundry services.

Ordered to lie on the table.

By special order, the bill entitled "An act to continue in force an act entitled 'An act to increase the daily allowance to Grand and Petit Jurors and Witnesses,' " was read a second time.

The said bill was read a third time, by paragraphs, and passed the House.

By special order,

The bill entitled "An act to appropriate marriage and tavern licenses," was read the third time, by paragraphs, and passed the House.

Ordered, That Mr. Polk wait on the House of Assembly and deliver the three last mentioned bills, for the consideration and concurrence of that House.

On motion,

Resolved, That Council concur in the resolution of the House of Assembly upon the petition of Frederick Craig and Co., for the payment of twenty pounds to assist in the establishment of a post, &c.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., June 7, 1788.

Council met.

Ordered, That the last mentioned petition and resolution be sent to the House of Assembly by Mr. Horsey.

Mr. Speaker laid before Council a resolution of the House of Assembly, which was read, as follows:

IN THE HOUSE OF ASSEMBLY,

FRIDAY, P. M., June 11, 1788.

On motion,

Resolved, That it is the intention of this House to conclude the present sessions to-morrow evening by adjourning the same to a distant day.

Ordered, That Mr. Latimer wait on the Council with a copy of the above resolution for their information.

JAS. BOOTH, *Cl'k of Assembly*.

On motion made and seconded, for leave to bring in a bill for the purpose of directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their return on writs of *fieri facias*, the same was granted; whereupon Mr. Read laid before Council a bill for that purpose; which was read.

Ordered to lie on the table.

Mr. Polk, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act for altering the place of holding the general election, for the present year, in the County of Sussex;" which was read.

Ordered to lie on the table.

The bill entitled "An act to empower the executors of the testament and last will of Richard McWilliam, the younger, late of New Castle County, deceased, to convey, in trust for the heirs and representatives of Patrick Lyons, deceased, a certain tract or parcel of land situate in Appoquinimink Hundred, in the County

of New Castle," was read a second time and deferred for further consideration.

Council proceeded to consider the communication of the Auditor, of the 4th of June, 1788.

The bill entitled "An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for returns on writs of *fieri facias*," was read a second time and deferred until this afternoon for further consideration.

The bill entitled "An act for altering the place of holding the general election for the County of Sussex for the present year," was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The Council resumed the consideration of the bill entitled "An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for returns on writs of *fieri facias*," and the same being read the third time, by paragraphs, and amended, passed the House.

Ordered, That Mr. Cook wait on the House of Assembly with the same for their consideration and concurrence.

Mr. Hazzard, a member of the House of Assembly, was admitted and delivered to the Chair the following verbal message, viz:

The House of Assembly propose to the honorable the Council that both Houses of the General Assembly meet, at four o'clock in the afternoon, in the Council Chamber, to put in nomination persons out of whom shall be elected, by ballot, a Justice of the Court of Common Pleas and Orphans' Court for the County of

Sussex, to supply the place of John Laws, Esquire, deceased, late third Justice of the said courts.

Saturday, A. M., June 7, 1788.

By special order,

The bill entitled "An act for altering the place of holding the general election, for the present year, in the County of Sussex," was read the third time by paragraphs and passed the House..

Ordered, That the same be returned to the House of Assembly by Mr. Laws.

Mr. Massey, a member of the House of Assembly, was admitted and returned the bill entitled "An act for limiting the time for keeping open the Courts of General Quarter Sessions of the Peace and Goal Delivery in the respective Counties of this State," rejected by that House.

Adjourned to Monday morning, 10 o'clock.

MONDAY, A. M., June 9, 1788.

Council met, and proceeded to the consideration of the resolution on the memorial of Thos. Rodney, Esquire, executor of the testament and last will of Cæsar Rodney, Esq., deceased; which was read, and several amendments being proposed and agreed to,

Ordered, That the same be transcribed and sent to the House of Assembly for their consideration and concurrence.

Mr. Speaker laid before Council the following resolution, which was read:

IN THE HOUSE OF ASSEMBLY,

SATURDAY, A. M., June 7, 1788.

On motion,

Resolved, That copies of the acts of Assembly of this State be delivered to George Read, Esquire, to enable him to commence

and complete the revision of the laws of this State, agreeable to his contract with the General Assembly; and that James Booth be appointed to procure such copies, and the expenses that may be necessarily incurred therein shall be defrayed by this State.

That an order be drawn by the Speakers of both Houses upon the Trustee of the Loan Office for New Castle County for the immediate payment of one hundred and forty-five pounds, eleven shillings and six pence to the said George Read out of the interest monies of the said office, being the principal, interest, and costs of the two mortgages, as specified in the proposition made by the said George Read, communicated to the General Assembly on the third of February, 1787, and accepted and agreed to by the House of Assembly and Council on the 31st day of January and the 1st day of February last. And in case of death or any other event that shall prevent the said George Read from executing the said work of revision, that the said sum be accounted for by him, his heirs, executors, or administrators.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly*.

Mr. Shankland, a member of the House of Assembly, was admitted and returned the bill entitled "An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for returns on writs of *fieri facias*," concurred in by that House.

Ordered that the said bill be engrossed.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Mr. Gordon, a member of the House of Assembly, was admitted and presented to the Chair a bill entitled "An act to incorporate the Members of the Library Company of Wilmington;" which was read.

Ordered to lie on the table.

The Council proceeded to consider the bill entitled "An act to empower the executors of Richard McWilliam, the younger, deceased, to convey, in trust for the heirs and representatives of Patrick Lyons, deceased, a certain tract or parcel of land situate in Appoquinimink Hundred, in the County of New Castle;" which, being read the third time, by paragraphs, and an amendment proposed and agreed to, passed the House.

Ordered, That the said amendment be transcribed and sent, with the bill and the resolution for a draught on the Loan Office of New Castle for the payment of one hundred and forty-five pounds seventeen shillings and six pence to George Read (which said resolution was concurred in by Council), to the House of Assembly.

Mr. Massey, a member of the House of Assembly, was admitted and presented to the Chair the resolution upon the memorial of Thomas Rodney for a reëxamination of the Loan Office Accounts of Kent County, with the amendments acceded to by that House.

Ordered, That Mr. Cook wait on the House of Assembly and return the same.

By special order,

The bill entitled "An act to regulate marriages," was read the third time, by paragraphs, and some amendments being proposed and agreed to, passed the House.

Ordered, That the said amendments be transcribed and sent, with the bill, to the House of Assembly, for their consideration and concurrence.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., June 10, 1788.

Council met.

Mr. Vining, a member of the House of Assembly, was admitted and presented to the Chair a bill (which was read) entitled "An act to continue in force an act entitled 'A supplement to an act entitled 'An act for the more easy and speedy recovery of small debts,' passed February 5, 1785, and for other purposes.'"

Ordered to lie on the table.

The bill entitled "An act to incorporate the Library Company of Wilmington," was read a second time and deferred for further consideration.

Mr. Polk, a member of the House of Assembly, was admitted and presented to the Chair a report of a committee upon the petition of Maurinas Haughey, and an order of that House upon the same, sent for concurrence.

Ordered to lie on the table.

Mr. Hayes, a member of the House of Assembly, was admitted and delivered to the Chair two reports of the Auditor of Accounts, dated June the 5th and 6th, 1788, concurred in by that House, and sent for the concurrence of Council; which were read.

Ordered to lie on the table.

Ordered, That Mr. Cook wait on the House of Assembly and deliver the following verbal message, to wit:

The Council, in answer to the proposal made by your honorable House on Saturday last, respecting the putting in nomination persons to be balloted for as a Justice of the Court of Common Pleas and Orphans' Court for the County of Sussex, to supply the place of John Laws, Esquire, accede to the same, and propose three o'clock this afternoon as the time for the meeting of both Houses in the Council Chamber.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

Mr. McCall, a member of the House of Assembly, was admitted and delivered the following verbal message:

The House of Assembly will meet the honorable the Council half an hour hence, in the Council Chamber, for the purpose expressed in their verbal message of this day.

The bill entitled "An act to continue in force an act entitled 'A supplement to an act for the more easy and speedy recovery of small debts, &c.,'" was read a second time and deferred for further consideration.

The Council and the House of Assembly met, in the Council Chamber, and proceeded to the nomination of persons to be balloted for as Justices of the Court of Common Pleas and Orphans' Court for the County of Sussex, as follows: John Clowes, Esquire, was proposed for third Justice, and Alexander Laws, Esquire, for fourth Justice.

Resolved, That both Houses separate for the space of ten minutes, and that they then meet and proceed to the election aforesaid.

Agreeable to order, the Council and the House of Assembly met in the Council Chamber.

Ordered, That Mr. Vining, Mr. Grantham, and Mr. D. Polk be a committee to wait on his Excellency, the President, and inform him that the General Assembly are now convened to elect Justices to fill the vacancies in the Courts aforesaid, and request his attendance.

Whereupon his Excellency, the President, being conducted in by the committee, the President and General Assembly proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancy in the Court of Common Pleas and Orphans' Court for the County of Sussex, and the ballots being taken and examined, John Clowes, Esquire, fourth Justice, was declared to be duly elected third Justice of the said Courts; and Alexander

Laws, Esquire, was declared to be duly elected fourth Justice of the said Courts.

The President withdrew, both Houses separated, and the Council met in the Council Chamber.

The bill entitled "An act to continue in force an act entitled 'A supplement to an act entitled 'An act for the more easy and speedy recovery of small debts,' passed February 3d, 1785,' and for other purposes," was read the third time, by paragraphs, and several amendments being proposed and agreed to, passed the House.

Ordered, That the said amendments be transcribed and sent, with the said bill, to the House of Assembly, for their consideration and concurrence.

Mr. Evans, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act for continuing the powers of the Collectors of the State Taxes;" which was read.

Ordered to lie on the table.

The bill entitled "An act to incorporate the Members of the Library Company of Wilmington," was read the third time, by paragraphs, and, being amended, passed the House.

Ordered, That the said amendments be transcribed and sent, with the bill, to the House of Assembly, by Mr. Polk, for their consideration and concurrence.

By special order,

The bill entitled "An act for continuing the powers of the Collectors of the State Taxes," was read a second time and deferred for further consideration.

On motion, the order of the House of Assembly upon the petition of Maurinas Haughey, respecting a lost certificate, was read, considered, and concurred in by Council.

The last mentioned bill was read the third time by paragraphs and passed the House.

Ordered, That the same, together with the papers upon the

petition of Maurinas Haughey, be returned to the House of Assembly by Mr. Laws.

Adjourned to 8 o'clock to-morrow morning.

WEDNESDAY, A. M., June 11, 1788.

Council met.

On motion for leave to bring in a bill for directing elections of members of the Council in certain cases of vacancies, the same was granted; whereupon Mr. Read laid before Council a bill for that purpose, which was read.

By special order, the same was read a second time, and the third time, by paragraphs, and passed the House.

Ordered, That the same be transcribed; which was done accordingly.

The Auditor's Report of the 5th June, 1788, was read, and an amendment being proposed and agreed to, ordered that the same be transcribed.

The Auditor's Report of the 6th of June was read, considered, and agreed to.

A member of the House of Assembly was admitted and presented to the Chair an order of that House, which was read as follows:

IN THE HOUSE OF ASSEMBLY,

WEDNESDAY, A. M., June 11th, 1788.

On motion,

Ordered, That the following part of the report agreed to by this House on the 30th day of January last be sent to the Council for their consideration and concurrence, to wit:

In the communication from the Auditor, dated October 29th, 1787, is inserted an extra charge of the Auditor in his own favor

for services done in Wilmington, stated to be full three months attendance, for which he hopes a reasonable allowance. Your committee therefore report that for such services and attendance the Auditor be allowed the sum of sixty pounds.

Ordered, That Mr. Hazzard wait on the Council and deliver the same.

Extract from the minutes.

JAS. BOOTH, *Cl'k of Assembly*.

The foregoing order of the House of Assembly, with their agreement to the report of their committee on the communication of the Auditor made as above stated, being taken into consideration; thereupon

Resolved, That an order be drawn upon the State Treasurer, by the Speakers of the two Houses of the General Assembly of this State, for the sum of sixty pounds, to be paid to Eleazar McComb, Esq., as Commissioner of this State, for attaining a settlement of the accounts thereof against the United States, in part of his services in that business during the time of such his appointment.

Mr. Polk, a member of the House of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly, that the Speakers of both Houses draw an order on the State Treasurer for the payment of fifty pounds to his Excellency, the President, in order to defray his expenses during his attendance on the present and preceding sessions of the General Assembly.

In Council, read, considered, and concurred in.

Ordered, That the two following engrossed bills be sent to the House of Assembly, by Mr. Horsey, to be signed by the Speaker, viz: The bill entitled "An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their returns on writs of *fieri facias*;" and the bill entitled "A supplementary act to the act entitled 'An act for naturalization;'" also that the bill entitled "An act directing elections of members of the Council in certain cases of vacancies," be sent for the consideration and concurrence of that House.

Ordered, That the same member also return the report of the

Auditor of the 5th June, 1788, with its amendments, for the consideration and concurrence of the House of Assembly; also the report of the 6th June, 1788, thus acted upon in Council: read, considered, and agreed to; and the resolution for the payment of fifty pounds to his Excellency, the President, thus acted upon: read, considered, and concurred in.

Mr. Vining, a member of the House of Assembly, was admitted and delivered to the Chair the following engrossed bills, to be signed by the Speaker of the Council, to wit:

The bill entitled "An act to continue in force an act entitled 'A supplement to an act entitled 'An act for the more easy and speedy recovery of small debts,' passed February 3d, 1785,' and for other purposes;'"

The bill entitled "An act to regulate marriages;'"

The bill entitled "An act to incorporate the Members of the Library Company of Wilmington;'"

The bill entitled "An act to continue in force an act entitled 'An act to increase the daily allowance to Grand and Petit Jurors and Witnesses;'"

The bill entitled "An act to repeal an act entitled 'An act for the further security of the Government;'"

The bill entitled "An act to appropriate the perquisites arising from marriage and tavern licenses;'"

The bill entitled "An act for continuing the powers of the collectors of the State taxes;'"

The bill entitled "An act for altering the place of holding the general election for the present year in the County of Sussex;'"

The bill entitled "An act to enable John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey to Raynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land situate in Mispillion Hundred, Kent County;'"

The bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the heirs of Goldsmith E. Folwell, deceased;'" and

The bill entitled "An act to empower the executors of the

testament and last will of Richard McWilliam, the younger, late of New Castle County, deceased, to convey in trust for the heirs and representatives of Patrick Lyons, deceased, a certain tract or parcel of land situate in Appoquinimink Hundred, in the County of New Castle;”

And the said bills, being severally compared, were signed accordingly.

Mr. Gordon, a member of the House of Assembly, was admitted and returned the two engrossed bills sent by Mr. Horsey to be signed by the Speaker of that House; together with the bill entitled “An act directing the election of members of the Council in certain cases of vacancy,” which were severally compared and signed by the Speaker of the Council.

The same member also delivered to the Chair the following resolution, viz:

IN THE HOUSE OF ASSEMBLY,

WEDNESDAY, June 11, 1788, A. M.

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal to the following laws: *

* So ends the record of the proceedings at this session.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

DOVER, October 20, 1788. †

Divers of the members met, but the number not being a quorum, adjourned from day to day until Thursday, the 23d.

THURSDAY, A. M., October 23, 1788.

It appears by the returns of the officers of the several Counties in this State, appointed by law to be Judges of Elections, that on the first day of October instant, at the usual places of election for the said Counties, the following gentlemen were chosen to represent the said Counties in the Council of the Delaware State, viz:

For New Castle County—Gunning Bedford, Thomas Kean.*

For Kent County—Nicholas Ridgely.

For Sussex County—George Mitchell, Daniel Polk.†

All the members now appeared except Mr. Kean and Mr. Horsey.

The Council proceeded to the choice of a Speaker, and George Mitchell, Esquire, was unanimously elected.

* In the place of Mr. McDonough. † In the place of Alexander Laws.

The Speaker, in the Chair, and afterwards Mr. Bedford, Mr. Ridgely, and Mr. Polk, took the oath of allegiance and made and subscribed the declaration of faith prescribed by the Constitution. [*See note on page 10.*]

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to ten o'clock to-morrow morning.

FRIDAY, A. M., October 24, 1788.

Council met. Present the same members as on yesterday.

On motion, by order,

The rules to be observed by the members of Council, made and agreed to in October, 1776, together with the addition made thereto by Council in October, 1786, were read and adopted as the rules to be observed by Council.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Mr. Kean appeared in the House and took the oath of allegiance and made and subscribed the declaration of faith prescribed by the Constitution. [*See note on page 10.*]

On motion, by order,

The bill, read in Council the 29th of January last, entitled "An act for appointing John Baning, Eleazer McComb, and Nicholas Ridgely, Esquires, Commissioners for the Town of Dover, was now read the second time and referred to Mr. Ridgely, Mr. Cook, and Mr. Baning, to report thereon.

On motion,

Resolved, That Mr. Ridgely be appointed to supply the place of George Read in the Committee on Finance, who was appointed on the part of Council on the 4th of June, 1788.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., October 25, 1788.

Council met.

Mr. Speaker laid before Council the following papers delivered him by a member of the House of Assembly, which were read, viz: a message from the President of the 23d of October instant; a circular letter from the Secretary of Congress of the 13th September, 1788; and an act of Congress of the 13th of the same month, for giving operation to the new Constitution.

The Speaker also laid before the Council the following verbal message from the House of Assembly, viz:

The House of Assembly propose to the honorable the Council that both Houses of the Legislature meet, in the Council Chamber, to-morrow at twelve o'clock at noon, to put in nomination persons out of whom shall be elected by ballot two Senators to represent this State in the Congress of the United States, agreeable to the third section of the first article of the Constitution of the United States; it appearing, from the communication to this General Assembly of the act of Congress of the 13th of September last, for putting into operation the said Constitution, that the

same hath been ratified in the manner therein declared to be sufficient for the establishment thereof.

JAS. BOOTH, *Cl'k of Assembly*.

Friday, P. M. Oct. 24th, 1788.

On motion,

Ordered, That Mr. Ridgely wait on the House of Assembly with the following verbal message:

The Council agree to the proposal made by your honorable House, of yesterday, for the meeting of both Houses of the Legislature in the Council Chamber to-day, at twelve o'clock, at noon, to put in nomination persons out of whom shall be elected two Senators to represent this State in the Senate of the United States, agreeable to the message of your honorable House; and the Council inform your honorable House that they will be ready to receive you in fifteen minutes.

Mr. Speaker laid upon the table a letter from George Read, Esq., of the 20th of October, instant; which was read.

Ordered to lie on the table.

Mr. Holland, a member of the House of Assembly, was admitted and delivered the following verbal message:

The House of Assembly propose to the honorable the Council that the two Houses of the General Assembly proceed to the nomination of persons out of whom shall be elected, by ballot, a Justice of the Court of Common Pleas and Orphans' Court for the County of Sussex, to supply the vacancy occasioned by the death of William Polk, Esq., at the time both Houses are convened to nominate persons for Senators.

On motion,

Ordered, That Mr. Vandyke wait on the House of Assembly with the following verbal message:

The Council agree to the proposal of your honorable House for putting in nomination persons out of whom to be chosen a Judge to supply the vacancy in the Court of Common Pleas and Orphans' Court of Sussex County, occasioned by the death of William Polk, Esq.

The General Assembly met, in the Council Chamber, and proceeded to the nomination of persons out of whom shall be elected Senators to represent this State in the Senate of the United States; and also Justices of the Court of Common Pleas and Orphans' Court for the County of Sussex, to fill the vacancy occasioned by the death of William Polk, Esq., when the following gentlemen were nominated for Senators, viz: George Read, Esq., Gunning Bedford, Junior, Esq., and Richard Bassett, Esq.; and the following nominations were made for Justices of the said Courts, viz: John Clowes, Esq., was nominated for second Justice; Alexander Laws for third Justice; Peter F. Wright for fourth Justice, and Simon Kollock for fourth Justice.

Resolved, That both Houses meet, in the Council Chamber, at three o'clock this afternoon, to ballot for Senators; and that they proceed, at four o'clock, to the election of Justices to supply the vacancy aforesaid.

Ordered, That Mr. Vining, Mr. Truitt, and Mr. Vandyke be a committee to wait on his Excellency, the President, and inform him that both Houses of the General Assembly will be convened in the Council Chamber, at four o'clock in the afternoon, to ballot for Justices to supply the vacancy aforesaid, and request the attendance of his Excellency.

Then both Houses separated, and Council adjourned to three o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

The General Assembly met, in the Council Chamber, and proceeded, by joint ballot, to the election of Senators to represent this State in the Senate of the United States, and the ballots being taken and examined, George Read and Richard Bassett, Esquires, were declared to be duly elected.

His Excellency, the President, being conducted in by the com-

mittee, the President and General Assembly proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancy in the Court of Common Pleas and Orphans' Court in the County of Sussex, and the ballots being taken and examined, John Clowes, Esq., third Justice, was declared to be duly elected second Justice; Alexander Laws, Esq., fourth Justice, was declared to be duly elected third Justice; and Peter F. Wright, Esq., was declared to be duly elected fourth Justice of the said Courts.

The President withdrew, both Houses separated, and Council adjourned to Monday morning, 10 o'clock.

MONDAY, A. M., October 27, 1788.

Council met. Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

On motion of Mr. Ridgely, for leave to bring in a bill, by way of supplement to an act entitled "An act directing the manner and form of securities to be given by Sheriffs, and prescribing a time for their returns on writs of *fieri facias*," the same was granted; whereupon he laid upon table a bill for that purpose; which was read.

By order, the said bill was read the second time and deferred for further consideration.

Mr. Bishop, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act directing the time, places and manner of holding an election for a Representative of this State in the Congress of the United States, and

for appointing Electors, on the part of this State, for choosing a President and Vice-President of the United States, which was read.

Ordered to lie on the table.

Mr. Montgomery, a member of the House of Assembly, was admitted and delivered to the Chair a report of the Auditor, dated the 24th of October instant, which was read.

Ordered to lie on the table.

Adjourned to eight o'clock to-morrow morning.

TUESDAY, A. M., October 28, 1788.

Council met.

The bill entitled "An act directing the time, place and manner of holding an election for a Representative, &c.," was read the second time.

By special order, the said bill was read the third time by paragraphs and amended.

Ordered, That the said amendments be transcribed by the Clerk.

The report of the Auditor, dated the 24th instant, was read and agreed to, as follows:

The Auditor begs leave to report: That John McKinly, Esq., produced to him, in Wilmington, a small quarto paper book, which, he informed him, he had fortunately discovered among some old papers; that upon examining the same he found it contained accounts of the receipts and expenditures of public monies by the said John McKinly, Esq., as Treasurer of the Committee of New Castle County, as Military Treasurer of the said County, and as Speaker of the House of Assembly of this State; and the Auditor particularly noted that the sum of eight hundred and eighty-two pounds, twelve shillings and four pence, received by

the said John McKinly, Esq., from Thomas Collins, Esq. on the 9th day of November, 1776, was therein credited and accounted for in a settlement made with a Joint Committee of the General Assembly, entered in the Journals of the House of Assembly for February, 1777, in page 103.

ELEAZER McCOMB.

Auditor's Office, Oct. 24th, 1788.

In the House of Assembly, Monday, P. M., October 27, 1788, read and concurred in.

JAS. BOOTH, *Cl'k of Assembly.*

In Council, Tuesday, A. M., Oct. 28, 1788, read and agreed to.

JOHN E. CLAYTON, *Cl'k of the Council.*

Ordered, That the foregoing report, together with the afore-said bill and amendments, be sent to the House of Assembly by Mr. Polk.

By special order,

The bill entitled "A supplement to an act entitled 'An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their returns on writs of *fiery facias*.'" was read the third time by paragraphs and passed the House.

Ordered, That the same be transcribed and sent to the House of Assembly for their consideration and concurrence.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The Speaker laid on the table the following resolution of the House of Assembly, delivered him by a member of that House, which was read, as follows:

IN THE HOUSE OF ASSEMBLY,

TUESDAY, A. M., Oct. 28, 1788.

On motion,

Resolved, That this House intend to conclude the present session this evening by adjourning the same to a distant day.

JAS. BOOTH, *Cl'k of Assembly*.

Mr. Ridgely laid upon the table a petition of James Rumsey, of the State of Virginia, which was read.

Ordered to lie on the table.

Mr. James, a member of the House of Assembly, was admitted and returned the bill entitled "A supplement to an act entitled 'An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their returns on writs of *fiери facias*,'" concurred in by that House.

Ordered that the same be engrossed.

Mr. Raymond, a member of the House of Assembly, was admitted and returned the bill entitled "An act directing the time, places and manner of holding an election for a Representative of this State in the Congress of the United States, and for appointing Electors, on the part of this State, for choosing a President and Vice-President of the United States," with the amendments proposed thereto by Council acceded to by that House, to be signed by the Speaker of the Council; which said bill was compared and signed accordingly.

Ordered, That Mr. Polk wait on the House of Assembly and return the said bill, and also deliver the other engrossed bill, to be signed by the Speaker thereof.

Mr. Truitt, a member of the House of Assembly, was admitted and presented to the Chair the following resolution, viz:

IN THE HOUSE OF ASSEMBLY,

TUESDAY, P. M., Oct. 24, 1788.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal to the following laws:

1. "An act directing the time, places and manner of holding an election for Representative of this State in the Congress of the United States, and for appointing Electors, on the part of this State, for choosing a President and Vice-President of the United States;"

2. "A supplement to an act entitled 'An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their returns on writs of *fiери facias*.'"

JAS. BOOTH, *Cl'k of Assembly*.

Sent for concurrence.

In Council, *eodem die*, read and concurred in.

Then the Council allowed the following accounts:

To the Hon. George Mitchell, Esq., Speaker, for 10 days' attendance in Council and mileage, . . .	£	11	12	0
To Gunning Bedford, Jun., Esq., for 7 do. do., . .		6	14	0
To Thomas Kean, Esq., 5 do. do., ...		5	5	0
To Nicholas Vandyke, Esq., 8 do. do., ...		6	10	0
To John Baning, Esq., 7 do., ...		4	4	0
To John Cook, Esq., 7 do. do., ...		4	15	0
To Nicholas Ridgely, Esq., 7 do., ...		4	4	0
To Daniel Polk, Esq., 7 do. do., ...		6	4	0
To John E. Clayton, for 9 days and paper, ...		6	4	2
To Benj. Crooks, Doorkeeper, 6 days' attendance, .		2	5	0
To Mrs. Battell, for the use of a room, ...		2	12	6
		£60	9	8

Resolved, That orders be drawn on the State Treasurer for the above sums, and that the same be signed by the Speaker.

Whereupon orders were drawn and signed accordingly.

The Doorkeeper delivered to the Speaker a notice of adjournment of the House of Assembly to the 12th of January next, and Council adjourned to the same time.

MINUTES OF COUNCIL.

1789.

MEMBERS' NAMES.

FOR NEW CASTLE COUNTY:

NICHOLAS VANDYKE, GUNNING BEDFORD, THOMAS KEAN.

FOR KENT COUNTY:

JOHN BANING, JOHN COOK, NICHOLAS RIDGELY.

FOR SUSSEX COUNTY:

ISAAC HORSEY, DANIEL POLK, GEORGE MITCHELL.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1789.

DOVER, January 12, 1789.

Divers of the members met, but the number not being a quorum, adjourned from day to day until Saturday, the 17th of January following.

SATURDAY, A. M., January 17, 1789.

Council met. Present, Mr. Vandyke, Mr. Baning, Mr. Cook, Mr. Ridgely, and Mr. Horsey.

On motion,

Resolved, That during the present sessions the door of Council shall be open for the admission of all orderly persons without the bar of Council.

Mr. Ridgely laid before the Council a memorial of Dr. James Sykes, praying leave to bring in a bill to enable him to bring into this State certain negroes, which, by the testament and last will of Robert Goldsborough, Esq., of the State of Maryland, were bequeathed him; which was read and referred to Mr. Ridgely, Mr. Cook, and Mr. Baning, to report thereon.

The petitions from James Rumsey, of Berkley County, attended with sundry other papers relative thereto, were presented and read.

Ordered, That the same be referred to Mr. Ridgely, Mr. Vandyke, and Mr. Horsey, to report thereon.

Mr. Coombs, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act to prevent the importation of convicts into this State;" a letter from the Secretary of Congress, of the 17th of September, 1788, to the President of this State, and a recommendation from Congress, of the 16th of the same month, upon which the aforesaid bill is founded; which were severally read.

Ordered to lie on the table.

Mr. Latimer, a member of the House of Assembly, was admitted and presented to the Chair a message from the President, of the 6th June, 1788, which was read, and is as follows:

Gentlemen of the General Assembly:

I have directed the Secretary to lay before you, for your information, a circular letter from the Secretary for Foreign Affairs, of the 17th of May last, and a letter from the Secretary of Congress, of the 12th of the same month, with their enclosures. These papers I would wish to have returned after they have been perused by your honors, as I purpose to publish them for the general information of the citizens at large.

As I am persuaded that the justice of the Legislature will extend to compensate for services rendered to the State by the servants of the public, I beg leave to observe to your honors that no provision is made for various public duties enjoined to be performed by the Secretary of this State, and in discharge of which considerable expenses must necessarily be incurred by him.

There are also many contingent expenses incident to the due administration of Government, such as the payment of expresses, postage of public letters, &c., which ought to be provided for to prevent the inconvenience which must otherwise follow.

I am therefore under the necessity of suggesting to your

honors the justice and propriety of making such provision in these respects as you may deem consistent with your wisdom, and most honorable and beneficial to the State.

June 6, 1788.

THOS. COLLINS.

The same member also delivered the following message from the President, together with the several letters and their enclosures therein referred to, which were severally read:

Gentlemen of the General Assembly :

During your late recess, the following public letters have been received by me, which I have directed the Secretary to communicate to you, with their inclosures, to wit: from the Convention of the State of New York, of the 26th of July last ; from the President of the Convention of Virginia, of the 28th of June, and from the General Assembly of the said State, of the 20th of November; from the President of the Convention of North Carolina, of the 12th and 24th of August; and from the President of the Convention of South Carolina, of the 24th of May last.

The Secretary will also lay before your honors a printed copy of the journals of Congress, from the 20th of August last to the end of the federal year.

As it does not appear from the journals of the General Assembly that any provision has been made for the contingent expenses of government, recommended in my message of the sixth day of June last, I must earnestly entreat the attention of your honors to that business. And upon this subject, I cannot forbear to observe that the multiplicity of post-offices, erected upon the state road to Wilmington, and the extravagant rates demanded for the portage of letters, appear burthensome to the community. Under what authority those offices are instituted, or these rates demanded, I am unable to ascertain, nor will my present indisposition permit me to take steps for that purpose ; but I conceive their existence to be an evil that requires legislative inquiry ; and upon this business perhaps your honors can obtain information from the Post-Master of this State, who is a member of the General Assembly.

THOMAS COLLINS.

Belmont, January 14, 1789.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The committee appointed on the 24th of November last to consider the bill for appointing Commissioners for the Town of Dover, brought in their report, which was read, as follows:

The committee to whom was referred the bill entitled "An act for appointing John Baning, Eleazer McComb, and Nicholas Ridgely, Esquires, Commissioners for the Town of Dover, and for other purposes," beg leave to report: That they think the clause in that bill for selling lots and confirming titles are proper, but all of the other clauses should be entirely rejected. They also think there should be a clause in the bill for regulating and ascertaining the streets that have been already laid out, to be done from the best documents to be found. The want of such a regulation is a growing evil, and the sooner it is prevented the fewer disputes there will be.

Read and agreed to.

On motion of Mr. Ridgely, for leave to bring in a bill for altering the manner of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables, the same was granted; whereupon he laid before the Council a bill for that purpose, which was read.

Ordered to lie on the table.

The bill entitled "An act to prevent the importation of convicts into this State," was read the second time. Deferred for further consideration.

Adjourned to Monday morning, 10 o'clock.

MONDAY, A. M., January 19, 1789.

The Council met. Present the same members as on Saturday.

The bill entitled "An act for altering the mode of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables," was read the second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Mr. Polk appeared and took his seat.

The committee appointed to consider the memorial of Doctor James Sykes, of the 17th, now brought in their report, which was read and agreed to, as follows:

That your committee have taken into their consideration the law of this State entitled "An act to prevent the exportation of slaves, and for other purposes," and being satisfied that the facts alleged in the said memorial are true, do now report, that, in their opinion, a supplementary act to the above recited law should be enacted, extending liberty to devisees to bring into this State slaves devised to them, and also to those persons within this State who may become entitled to such property as heirs or representatives to any person or persons dying intestate.

By special order,

The bill entitled "An act for altering the manner of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables," was read the third time by paragraphs, and, being amended, passed the House..

Ordered, That the same be transcribed and sent to the House of Assembly for concurrence.

The bill before the Council in the session of June last, entitled "An act to provide for the appropriation of such certificates of depreciation as have not been claimed by the persons justly entitled to receive the same," was read.

Ordered, That Mr. Vandyke, Mr. Ridgely, and Mr. Cook take the said bill into consideration and report thereon.

The committee to whom was referred the petitions of James Rumsey, brought in their report, which was read and agreed to, as follows:

Your committee beg leave to report that they have examined the act of Assembly for granting and securing to John Fitch the sole and exclusive right of making, constructing, and employing the steamboat by him lately invented, for a limited time, and find by that act the said Fitch hath had granted to him the sole and exclusive right of making, constructing, using, employing, and navigating all and every species or kind of boat or water craft which may be impelled, urged or driven through the water by the application, force, or agency of steam or fire, applied *in any manner whatsoever*. That during the operation of that act they do not think it right that Mr. Fitch should be deprived of the benefits of it without a hearing. Your committee propose that a joint committee of the General Assembly should be appointed for the purpose of hearing the parties on this subject on the 27th instant, the said Fitch having four days previous notice. As to the other parts of Mr. Rumsey's petition, to have an exclusive right in the application of steam to other machines than that of boats, as particularly specified, they are of opinion he should have leave to bring in a bill for that purpose.

Mr. Charles Polk, a member of the House of Assembly, was admitted, and presented to the Chair the bill entitled "An act to incorporate the physicians of the Delaware State, and for other purposes therein mentioned," and a paper containing two amendments proposed to the amendments offered by Council the 29th of May last to the said bill, which were read, and a further amendment being proposed to the said two amendments and agreed to,

Ordered, That the same be returned to the House of Assembly for concurrence.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., January 20, 1789.

Council met.

On motion,

Resolved, That two members be appointed, on the part of Council, as a joint committee to hear Mr. Rumsey and Mr. Fitch on the subject of the steamboat, on the 27th inst.

The members appointed on the part of Council, are Mr. Vandyke and Mr. Cook.

Ordered, That the same be transcribed and sent, with the report of the committee, by Mr. Ridgely, to the House of Assembly for concurrence.

Agreeable to leave given, a bill was presented and read, entitled "An act for creating original jurisdiction in the Supreme Court of this State in certain cases, to prevent the removal of suits from the County Court of Common Pleas after issue is joined therein, and to prevent the abatement of suits."

Ordered to lie on the table.

Agreeable to leave given upon the memorial of Doctor James Sykes, a bill was laid before Council and read, entitled "A supplement to an act entitled 'An act to prevent the exportation of slaves, and for other purposes.'"

By special order, the said bill was read the second time, and a third time by paragraphs, and passed the House.

Ordered, That the said bill be transcribed and sent, together with the memorial upon which it is founded, to the House of Assembly for consideration and concurrence.

The communication from the Auditor, of the 4th of June, 1788, was read, and an amendment agreed to.

Ordered, That the said amendment be transcribed and sent to the House of Assembly for concurrence.

Mr. Vining, a member of the House of Assembly, was admitted and returned the resolution of the Council upon the petitions

of James Rumsey, disagreed to, the several papers which accompanied the same, and delivered to the Speaker the following resolution, which was read:

Resolution proposed by the House of Assembly upon the petitions of James Rumsey, instead of the resolution offered by the Council:

Resolved, That Thursday, the 29th day of this month, be assigned for hearing James Rumsey and John Fitch, before the General Assembly, at Dover, on the subject of the steamboat; that both Houses meet for that purpose at the time aforesaid, in the Council Chamber; and that James Rumsey, or his agent, give to the said John Fitch four days previous notice of this resolution.

Whereupon

Resolved, that Council concur in the said resolution.

Ordered, That the same be returned to the House of Assembly.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The bill entitled "An act to prevent the importation of convicts into this State," was read the third time, by paragraphs, and several amendments agreed to.

Ordered, That the same be transcribed and sent to the House of Assembly for consideration.

Mr. James, a member of the House of Assembly, was admitted and returned the communication from the Auditor, as amended by Council, agreed to.

Ordered, That the Clerk deliver to the State Treasurer a copy of the aforesaid communication.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, January 21, 1789.

Council met.

Mr. Bishop, a member of the House of Assembly, was admitted and presented to the Chair the Auditor's Report of this day, which was read, stating that there is due to Capt. Robert Kirkwood the sum of fifty-eight pounds fifteen shillings and two pence, thus acted upon:

In the House of Assembly, A. M., January 21, 1789, read, considered, and agreed to.

JAS. BOOTH, *Cl'k of Assembly*.

Mr. Cooper, a member of the House of Assembly, was admitted and returned the bill entitled "An act to prevent the importation of convicts into this State," together with the amendments proposed thereto by Council, all of which, except the fourth and fifth, were rejected.

The Council then took into consideration the 1st, 2d, 3d and 6th amendments, and upon the question to recede from the first amendment, it was carried in the affirmative.

Council then proceeded to consider the second, third and sixth amendments, and upon the question to adhere to the same, it unanimously passed in the affirmative.

Ordered, That the aforesaid paper of amendments be sent to the House of Assembly for reconsideration.

On motion of Mr. Ridgely for leave to bring in a bill to prevent the payment of money into the Treasury of the United States for a limited time, the same was granted; whereupon he laid before the House a bill for that purpose, which was read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

On motion, ordered, that Mr. Vandyke, Mr. Ridgely, and Mr. Cook be a committee to prepare and bring in a bill for revising the fees of the different officers of this State.

Mr. Truitt, a member of the House of Assembly, was admitted and returned the bill entitled "An act to prevent the importation of convicts into this State," and the amendments of Council, accompanied with the following resolution:

IN THE HOUSE OF ASSEMBLY,

WEDNESDAY, January 21, 1789.

Mr. Ridgely, a member of the Council, was admitted and returned the bill entitled "An act to prevent the importation of convicts into this State," with the paper of amendments, to the 2d, 3d and 6th of which the Council adhere.

Resolved, That a committee be appointed by each House to confer on the subject of the said disputed amendments, and report thereon.

The members appointed on the part of the House are: Mr. Vining, Mr. Porter, and Mr. James.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly*.

Read, considered, and disagreed to.

The Auditor's Report, of this day, upon the accounts of Capt. Robert Kirkwood, was read, and an amendment agreed to.

Ordered, That the same be returned for the consideration of the House of Assembly.

Mr. Wright, a member of the House of Assembly, was admitted and delivered a bill entitled "An act to dissolve the marriage of James Hathaway with Mary, his wife," together with the petition and sundry other papers upon which the said bill is founded; which were read.

The said bill was read the second time, and the third time, by paragraphs, and an amendment proposed and agreed to.

Ordered, That the same, together with the resolution for appointing a committee of conference, be returned to the House of Assembly.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, A. M., January 22, 1789.

Council met.

The Clerk of the Council laid before the Speaker the Anditor's report upon the accounts of Capt. Robert Kirkwood, and the amendment of Council acceded to.

Mr. Cook laid before the Council a petition from Gersham Johnson, with sundry other papers; which were read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Mr. Bedford and Mr. Kean appeared in Council and took their seats.

Mr. Broom, a member of the House of Assembly, was admitted and delivered a bill, which was read, entitled "An act to grant to Joseph Anderson and Matthias Kerlin, Jr., an exclusive right to keep stage carriages on the public post-road leading through the State of Delaware between the City of Philadelphia and the Town of Baltimore," and the petition upon which the said bill is founded.

Ordered to lie on the table.

The same member also delivered a message from the House of Assembly, which was read, and is as follows:

A MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

Gentlemen:

The message received from your honorable house, in answer to a resolution of this house, proposing a committee of conference relative to a depending bill, has highly astonished and alarmed us.

The circumstance of rejecting a proposal from either house, to confer with a committee to be appointed by the other, for the purpose of mutual communication and information, we conceive to be equally unprecedented in form, and dangerous in its political tendency. We do not mean to engage in a mere altercation about form; we are only sorry, in the present instance, that we are obliged to complain of an infringement of a legislative and parliamentary custom.

When two branches of legislature are so constructed as to make a concurrence constitutionally requisite in order to effect public business, and are so organized as to operate as reciprocal checks upon each other, frequent communications are often essential. Such communications, we apprehend, are regularly to be accomplished by committees of conference, appointed by the respective houses. The reason and expediency of appointments of this nature are too cogent and obvious now to be enlarged upon.

The message received from your honorable house has left us, with respect to the bill at present in controversy, without alternative. We cannot, as we conceive, consistent with the sacred duty which we owe to our constituents and to ourselves, concur in the amendments offered to us, without further information from your honorable house. This information, at least in the usual way, you have denied us.

Admitting that the Council have an absolute and constitutional right of rejecting any proposals which may be made by this house, we cannot help expressing our regret and surprise that the exercise of the power was not reserved for an occasion more

weighty and important than the one which now engages our attention; and we are equally sorry that the urgent business of the State should be obstructed by delays, which we conceive might have been avoided, but have now become indispensable.

The preservation of that dignity which each house owes to itself, and relatively to each other, we take to be the surest means of preserving the harmony so necessary in all deliberative assemblies, and so essential to the discharge of our respective duties.

Should your honorable house concur with us in the ideas which we have now addressed to you, and agree to reconsider your message of yesterday, we shall rejoice in the prospect of a system of confidence, and an honorable discharge of the duties intrusted to us; but should you, on the other hand, persevere in a line of conduct so different from the one heretofore pursued, we have only to lament, that one of the most useful purposes for which two branches of the legislature were created, "That of uniting their wisdom and counsel for the general benefit of the State," must necessarily be destroyed.

Signed by order of the House of Assembly,

Dover, 22d January, 1789.

JEHU DAVIS, *Speaker*.

The memorial of Joseph Anderson and Matthias Kerlin was presented and read.

Ordered to lie on the table.

The bill entitled "An act to grant Joseph Anderson and Matthias Kerlin, Jr., an exclusive right to keep stage carriages on the public post-road, &c.," was read a second time and unanimously rejected.

Ordered, That the said bill, and the several papers which accompanied the same, be returned to the House of Assembly.

The bill entitled "An act to prevent the payment of any money into the Treasury of the United States for a limited time," was read a second time and deferred for further consideration.

The bill entitled "An act for creating original jurisdiction in the Supreme Court, &c.," was read a second time and deferred for further consideration.

On motion,

Ordered, That Mr. Bedford be added to the committee appointed to prepare and bring in a bill for regulating fees.

Ordered, That the following message be transcribed and sent to the House of Assembly:

AN ANSWER FROM THE COUNCIL TO A MESSAGE FROM THE
HOUSE OF ASSEMBLY.

Gentlemen:

The Council have taken into consideration the message this afternoon received from your honorable House, and are truly surprised that the exercise of a right so clearly established should become a matter of astonishment and alarm. Where rights are defined and well ascertained, we conceive a precedent unnecessary to justify us in our conduct, should that be wanting; but we are not without even that authority.

Had your honorable House given a single reason for your rejection of the amendments proposed by Council, we should perhaps have thought a conference more eligible than we did. Extraordinary modes of legislation should not be adopted but on extraordinary occasions. The object of the bill, even in the most perfect state it could have been formed, was certainly not worth the time that had fruitlessly been spent on it previous to your proposal for a conference, much less to waste more without a certainty of agreement.

Council are not so very tenacious of former opinions as obstinately to adhere to them could they be satisfied they were wrong; but until this is done they think they should be wanting in duty to their constituents to recede from them and to permit established privileges of Council to be infringed.

We lament exceedingly that your honorable House should suffer the harmony of the Legislature to be interrupted on so trifling an occasion, and we sincerely hope that the most useful purposes for which two branches of the Legislature were created may not be destroyed.

Signed by order of the Council,

GEORGE MITCHELL, *Speaker*.

Dover, January 22d, 1789.

Ordered, That the Auditor's report upon the accounts of Capt. Kirkwood be returned to the House of Assembly by Mr. Kean.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., January 23, 1789.

Council met. Present all the members.

The Council took into consideration the act entitled "An act for creating original jurisdiction in the Supreme Court of this State in certain cases, and to prevent the removal of suits from the Court of Common Pleas after issue is joined therein, and to prevent the abatement of suits," and some time being spent therein, the same was deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The committee to whom was referred the bill to provide for such certificates as have not been claimed by persons justly entitled to the same, beg leave to report: That they have considered the same and are of opinion it should not be passed, because it will draw into dispute the right of depreciation certificates, which we think hath already been regulated by former laws, except so far as the same relates to cases where this State hath not received credit for the same by the United States.

Read and ordered to lie on the table.

Mr. Vining, a member of the House of Assembly, was admitted and delivered to the Speaker a message, which was read, and is as follows:

A MESSAGE FROM THE HOUSE OF ASSEMBLY IN ANSWER TO A
MESSAGE FROM THE COUNCIL.*Gentlemen :*

The House of Assembly have received the message from your honorable house, and still adhere to the idea that their rejection of the proposed committee of conference, as made by this house, was of the first impression. We conceive that Council have not taken the proper discrimination between a constitutional right, which we admitted, and the breach of a parliamentary custom of which we complained.

The House of Assembly remain yet to be convinced, that a precedent, similar in its nature, has ever existed, or has ever been exercised by either the House of Assembly or the Council, previous to the present instance. Upon this occasion the House of Assembly beg leave to recommend to the attention of the honorable Council the several messages which passed between the Houses in the May session of 1786, where they will find the points at present in controversy fully ascertained and explained.

As to the supposed insignificance of the bill now in question, it only furnishes us with an instance, that even on trifling occasions, encroachments may be made by one House on the accustomed privileges of the other ; and besides, it is a respect in our judgments due to any bill originating in either House, that it should not, unless rejected in the usual way, be entirely lost ; the adoption of the rights now claimed establishes this dangerous precedent.

If your honorable House will only consider the progressive state of this business, they will find that not only custom, but parliamentary propriety, suggests abundant argument why the reasons of adhering to their several amendments should have been communicated to this House, either by way of message or by means of a committee of conference ; otherwise any bill, even of the utmost importance, might be eventually lost, without such satisfactory information as might respectively induce the different Houses to recede from error or to have passed a salutary law.

Under the firmest persuasion therefore, that the reasons of rejection should have preceded the disagreement of Council to the conference, we trust that, let the sentiments of Council be ever so well established as to their right, they will be cautious of

drawing into precedent a principal which in its effects may defeat the wisest purposes of legislation.

Signed by order of the House of Assembly,

Dover, January 22d, 1789.

JEHU DAVIS, *Speaker*.

Mr. Bedford laid before the Council a petition of John Fitch, of Philadelphia, which was read, praying that the application of James Rumsey may not be permitted to interfere with the exclusive right heretofore granted to him.

Ordered, That the same be sent to the House of Assembly.

The Joint Committee of Finance made their report, which was read and agreed to.

Adjourned to 10 o'clock to-morrow morning.

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SATURDAY, P. M., January 24, 1789.

Council met. Adjourned to 10 o'clock on Monday morning.

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MONDAY, A. M., Jan. 26th, 1789.

Council met. Absent, Mr. Polk.

By special order, the bill entitled "An act to prevent the payment of any money into the Treasury of the United States," was read the third time by paragraphs and passed the House.

Ordered, That the same be transcribed and sent to the House of Assembly for concurrence.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The Committee appointed to prepare and bring in a bill for the revising the fees of the different offices of this State, laid a bill before Council entitled "An act for regulating and establishing fees," which was read.

Ordered to lie on the table.

Mr. Montgomery, a member of the House of Assembly, was admitted and delivered to the Chair the Auditor's report, dated 20th October, 1788, upon a letter from Nathaniel Mitchell, Esq., to the Speaker of the House of Assembly, and a memorial from the said N. Mitchell, with a report of a committee thereon, which were read.

The same member also delivered the following resolution, which was read:

IN THE HOUSE OF ASSEMBLY, January 26, 1789.

The House of Assembly took into consideration the report of the Auditor, dated the 20th of October last, upon the accounts of Nathaniel Mitchell, Esq.; and also the report of a committee upon the memorial of the said N. Mitchell, and thereupon

Resolved, That there was due to the said N. Mitchell, for his attendance as Delegate from this State to Congress, from the 26th day of December, 1787, to the 12th September, 1788, including his traveling charges, £360, of which he has received £275, and that there is due to him the sum of £85.

Sent for concurrence.

JAS. BOOTH, C. H. A.

Read and agreed to.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., January 27, 1789.

Council met.

Mr. Holland, a member of the House of Assembly, was admitted and delivered the following message, which was read:

IN THE HOUSE OF ASSEMBLY, January 26, 1789.

On motion,

Ordered, That the Joint Committee of Finance make a complete adjustment of the Loan Office accounts of Kent County and report the same.

Sent for concurrence.

JAS. BOOTH, C. H. A.

Mr. Gordon, a member of the House of Assembly, was admitted and returned the bill entitled "An act to prevent the payment of any money into the Treasury of the United States," rejected.

On motion,

Ordered, That the resolution of the House of Assembly upon the report of their committee on the accounts of N. Mitchell, Esq., and the several papers accompanying the same, be returned.

Ordered, That Council concur in the order of the House of Assembly for the complete adjustment of the Loan Office accounts, and that the same be returned by Mr. Kean.

A remonstrance and petition from several of the clergymen of the Episcopal and Presbyterian churches was presented and read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

A memorial and remonstrance from divers clergymen of this State was read, which, with the remonstrance read this forenoon, was referred to a committee of three to report thereon. The members appointed are Mr. Bedford, Mr. Cook, and Mr. Horsey.

The bill entitled "An act for regulating and establishing fees" was read a second time.

By special order, the said bill was read the third time, by paragraphs, and passed the House.

Ordered, That the same be transcribed and sent to the House of Assembly for concurrence.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, A. M., January 28th, 1789.

Council met. Present all the members.

Mr. Raymond, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "A supplement to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,'" concurred in.

Ordered that the same be engrossed.

The same member also delivered, for the concurrence of Council, a bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,'" and thirteen amendments proposed to the bill entitled "An act for altering the manner of levying executions to be issued by Justices, &c.;" and the said bill.

The Council proceeded to consider the aforesaid amendments, and, after some time spent therein, postponed the same to this afternoon.

The bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,' " was read.

By order, the said bill was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

Agreeable to the order of this forenoon, the Council resumed the consideration of amendments proposed to the bill entitled "An act for altering the manner of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables," and the question being put to agree to the said bill, as amended, and the yeas and nays, required by Mr. Bedford, are as follows:

Yeas—Mr. Baning, Mr. Cook, Mr. Ridgely, Mr. Horsey, Mr. Polk.

Nays—Mr. Vandyke, Mr. Bedford, Mr. Kean.

So it passed in the affirmative.

Ordered that the said bill be engrossed.

The Council proceeded to the consideration of the bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,' " and after some time spent therein, the last enacting clause was referred to Mr. Ridgely, Mr. Vandyke, and Mr. Polk, to report thereon.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, A. M., January 29, 1789.

Council met.

Mr. Bishop, a member of the House of Assembly, was admitted and delivered the following papers, which were read: A letter from Dyre Kearney to the Speaker of the House of Assembly, his accounts, and the report of the Auditor thereupon; also the following resolution, viz:

IN THE HOUSE OF ASSEMBLY,

WEDNESDAY, P. M., January 28, 1789.

The committee to whom was referred the letter from Dyre Kearney, Esq., and the Auditor's report, dated the 27th instant, upon the accounts of the said Dyre Kearney, brought in their report, which was read, and thereupon

Resolved, That there was due to the said Dyre Kearney, Esq., for his attendance as a Delegate from this State to Congress, from the 18th day of January, 1788 to the 14th day of October following, including his traveling charges, £540, of which he has received £300, and that there is due to him the sum of £240.

Sent for concurrence.

JAS. BOOTH, C. H. A.

The petition of Thomas Shipley, Caleb Seal, and Joseph Stedham, was read, praying relief from an act entitled "An act for the better regulation of the roads in New Castle County."

Ordered to lie on the table.

The committee to whom was referred the bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,'" brought in their report, which was read and agreed to.

The Council then proceeded to the consideration of the last mentioned bill, and some amendments being agreed to, ordered that the same be transcribed and sent for concurrence.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The Council and the House of Assembly met in the Council Chamber agreeable to the order of the day, for hearing James Rumsey and John Fitch on the subject of the steamboat.

A petition from James Rumsey, by his agent, Joseph Barnes, was read, praying that he may be heard by counsel on the business aforesaid in case Mr. Fitch should be indulged with that privilege.

Resolved, That the said parties be heard either by counsel or personally, at their election, but that they be restricted so that neither party may be permitted to speak more than twice upon the main subject, and not oftener upon a collateral point.

Whereupon the General Assembly, having heard James Rumsey by Joshua Fisher, his counsel, and Richard Wells, on the behalf of John Fitch, and also the said Joshua Fisher in reply, both Houses separated, and Council adjourned to ten o'clock tomorrow morning.

FRIDAY, A. M., January 30, 1789.

Council met, and having taken into consideration the subject in dispute between Mr. Rumsey and Mr. Fitch proceeded as follows:

WHEREAS, by the Constitution of the United States, a power is reserved to the General Government to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right of their respective writing and discoveries; and as the Government of the United States is in full operation in this State by eleven States having acceded thereto, this State being one; therefore

Resolved, That the application of Mr. Rumsey, for the exclusive privilege of making and using certain machines, said to be invented by him, be referred to the United States in Congress for decision.

Sent for concurrence.

The petition from Thomas Shipley, Caleb Seal, and Joseph Stedham, was referred to a committee to report thereon. The members are Mr. Cook, Mr. Vandyke, and Mr. Kean.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The committee to whom was referred the petition of Thomas Shipley, Caleb Seal, and Joseph Stedham, for vacating the road leading from Christiana Ferry to Brandywine Bridge, was read, and thereupon

Resolved, That the petitioners have leave to bring in a bill for the purpose of vacating the said road agreeable to the prayer of their petition, at the next sessions of the General Assembly; and that the petitioners give public notice of their application in the Wilmington newspapers, at least six weeks preceding the next sessions of the Legislature, by continuing such notice for three weeks, in order that any persons having objections to such bill may then be heard.

Sent for concurrence.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., January 31, 1789.

Council met.

Mr. Holland, a member of the House of Assembly, was admitted and presented to the Chair the following resolution, which was read:

IN THE HOUSE OF ASSEMBLY,

FRIDAY, A. M., January 31, 1789.

On motion,

Resolved, That it is the intention of this House to conclude the present sessions on Monday evening, by adjourning the same to a distant day.

Extract from the minutes.

JAS. BOOTH, C. H. A.

The same member also delivered the bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,' " with two amendments, which were read and deferred for further consideration.

Mr. Mitchell, the Speaker of the Council, prayed leave to resign his seat in the Chair, which was granted.

The Council proceeded to the choice of a Speaker, and Mr. Vandyke was unanimously chosen and took his seat.

Council having taken into consideration the amendments proposed to the bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, &c.,' " proposed divers amendments thereto.

Ordered to be sent to the House of Assembly for consideration.

Ordered, That the petition from Thomas Shipley, Caleb Seal, and Joseph Stedham, and the resolution of the Council thereon, be sent to the House of Assembly for concurrence.

Mr. Bishop, a member of the House of Assembly, was admitted and delivered the bill entitled "An act for regulating and establishing fees," with two amendments proposed, which were taken into consideration, and two further amendments being proposed, ordered that the same be returned for consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

Mr. Truitt, a member of the House of Assembly, was admitted and returned the petition of Thomas Shipley, Caleb Seal, and Joseph Stedham, with the resolution of the Council thus acted upon:

"In the House of Assembly, January 30, 1789: Read and concurred in."

Mr. Charles Polk, a member of the House of Assembly, was admitted and returned the bill entitled "An act for regulating and establishing fees," and the paper of amendments acceded to.

Ordered to be engrossed.

The Council having taken into consideration the resolution of the House of Assembly upon the Auditor's report upon the accounts of Dyre Kearney,

Resolved, That the same be concurred in.

Ordered, That the said resolution, and papers accompanying the same, be returned to the House of Assembly.

The committee appointed to complete the adjustment of the Loan Office accounts of Kent County, brought in their report, which was read and agreed to, as follows:

Simon W. Wilson, Loan Officer of Kent County, in account with the Delaware State.

DR.

To monies received on the emission of 1746, . . .	£	286	13	8
“ “ “ “ 1759, . . .		527	10	7¾
“ “ “ “ 1776, . . .		696	0	3
“ “ “ “ 1785, . . .		77	13	5
		£	1587	17 11¾

CR.

By monies actually let out, ...	£	393	6	11½
By 3 years and 9 months salary, @ £30 per an.,		112	10	0
By cash paid E. McComb, for the redemption of Bills of Credit, ...		50	6	2
By balance due the Delaware State, ...		1031	14	10¼
		£	1587	17 11¾

The Committee of Finance, to whom was referred the accounts of S. W. Wilson, Trustee of the Loan Office of Kent County, for a final settlement with that officer, beg leave to report: That they have examined the said officer in order to make him a party in the business, and, after allowing him all his charges against the State, find a balance of £1031 : 14 : 10¼ in his hands unaccounted for.

JOHN COOK,
NICHOLAS RIDGELY,

Members of Council.

THOMAS MONTGOMERY,
JACOB BROOM,
JOHN VINING,
JOHN GORDON,
RHOADS SHANKLAND,

Dover, Jan. 28, 1789.

Members of Assembly.

Thus acted upon in the House of Assembly, January 28, 1789:
Read, considered, and agreed to.

JAS. BOOTH, C. H. A.

Adjourned to 10 o'clock, Monday morning.

MONDAY, A. M., February 2d, 1789

Council met.

Mr. Polk, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act for the new appointment of a Trustee for the Loan-Office of the County of Kent, within this State, and for other purposes," which was read.

Ordered to lie on the table.

Mr. Holland, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act for raising £12,600 for the service of the year 1789, in addition to the arrearages due on former taxes," which was read.

Ordered to lie on the table.

The same member returned the report of the Joint Committee of Finance, and a communication from the Auditor praying that the report of the Committee, so far as the same relates to the censure passed upon him, may be amended.

Ordered to lie on the table.

Mr. Truitt, a member of the House of Assembly, was admitted and delivered to the Chair a report of the Auditor, which was read and postponed to this afternoon.

The bill entitled "An act for the new appointment of a Trustee for the Loan-Office of the County of Kent, within this State, and for other purposes," was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The Council took into consideration the last mentioned bill, the following amendment being proposed to the last enacting clause, to wit :

“And be it enacted, That it shall and may be lawful for the Trustees of the Loan Offices in the respective Counties of this State to permit such persons who have not renewed their mortgages agreeable to the said recited act to which this is a further additional supplementary act, as also the guardian or guardians of such minors who are or hereafter may be lawful to the equity of redemption in any land mortgaged in the respective Loan Offices of this State, who have not received the mortgages by and with the approbation of the Orphans’ Court of the County in which such guardian or minor may reside, first had upon a full statement to the said Court on or before the first day of April next, on the payment of costs upon such suits as have been instituted and not brought to light for the recovery of monies due on mortgage deeds, in the same manner and upon the same terms as are expressed and directed in other cases in the said recited act to which this is a supplement, and that any mortgage deed made and executed by such guardian or guardians, as aforesaid, shall be deemed and taken to be a renewal of the former mortgage, and be as binding upon the estate of such minors to all intents and purposes as the former mortgage might or could have been; and that all mortgages so renewed shall be deemed the first lien and have the priority of all judgments, mortgages, and other incumbrances whatsoever obtained or had since the date of such original mortgages so hereafter to be renewed.”

The question on the same being moved, the yeas and nays were required by Mr. Mitchell, and are as follows:

Yeas—Mr. Bedford, Mr. Kean, Mr. Baning, Mr. Cook, Mr. Ridgely.

Nays—Mr. Mitchell, Mr. Horsey, Mr. Polk.

So it passed in the affirmative.

Mr. Broom, a member of the House of Assembly, was admitted and delivered to the chair the following resolution, which was read, viz:

IN THE HOUSE OF ASSEMBLY,

MONDAY, P. M., February 2d, 1789.

On motion,

Resolved, That the Auditor of Accounts be and is hereby authorized and empowered to call upon and apply to Donaldson

Yeates, Esq., formerly Deputy Quartermaster-General of this State, for all such vouchers, papers, and documents as will be in the power of the said Donaldson Yeates to furnish, the better to enable this State to obtain a credit for advances made for the United States.

Sent for concurrence.

JAMES BOOTH, *C. H. A.*

The same member also delivered the following resolution, which was read.

IN THE HOUSE OF ASSEMBLY, February 2d, 1789.

On motion,

Resolved, That, at the conclusion of the present session, this House adjourn to the Borough of Wilmington, and there hold their next session for transaction of public business.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly*.

The bill entitled "An act for the new appointment of a Trustee for the Loan-Office of the County of Kent, within this State, and for other purposes," was read, and several amendments being proposed and agreed to, ordered that the same be sent to the House of Assembly, for their consideration.

The Council took into consideration the Auditor's report of this day, and the same being read, and also an amendment proposed and agreed to, ordered that the same be sent to the House of Assembly for consideration.

The bill entitled "An act for raising £12,600 for the year 1789," was read the second time and deferred for further consideration.

The resolution of the House of Assembly authorizing and empowering the Auditor to call upon and apply to Donaldson Yeates, Esq., was read and agreed to.

Ordered, That the same be returned to the House of Assembly.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., Feb. 3d, 1789.

Council met, and took into consideration the report of the Committee on Finance so far as the same relates to the Auditor, and, on motion to strike out that part which censures his conduct, the same was disagreed to.

The Council took into consideration the bill entitled "An act for raising £12,600 for the service of the year 1789, in addition to arrearages on former taxes," and after progress made therein adjourned to 2 o'clock.

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EODEM DIE, P. M.

Council met and resumed the consideration of the last mentioned bill and several amendments proposed thereto.

Ordered, That the same be transcribed and sent to the House of Assembly for their consideration.

Mr. Charles Polk, a member of the House of Assembly, was admitted and delivered to the Chair the following resolution, which was read, viz:

Resolved, That the additional sum of twenty-four pounds be allowed to the sum granted (by the concurrent resolution of the House of Assembly and Council on the 26th of January, 1789) Nathaniel Mitchell, Esq., for his traveling expenses, not included in the allowance made by the said resolution.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly*.

The following engrossed bills were compared, viz: A bill entitled "An act for regulating and establishing fees;" an act entitled "An act altering the manner and form of levying executions to be issued by Justices of the Peace in certain cases, and for lessen-

ing the number of Constables;" and the bill entitled "A supplement to an act entitled 'An act to prevent the exportation of slaves, and for other purposes.'"

Ordered, That the several foregoing bills be sent to the House of Assembly to be signed by the Speaker thereof.

Mr. Cannon, a member of the House of Assembly, was admitted and delivered a report from the Auditor in favor of Mr. Thomas Montgomery for the sum of £6, concurred in by the House.

In Council, read and concurred in.

Council took into consideration the resolution of yesterday, respecting an adjournment to Wilmington, and the question being put, "Do the Council agree to the same?" it was passed in the negative.

Ordered, That Mr. Cook wait on the House of Assembly and return the last mentioned resolution and Auditor's Report, also the aforesaid several engrossed bills, to be signed by the Speaker.

Resolved, That Mr. Ridgely and Mr. Cook, the two members of Council appointed on the Joint Committee of Finance, be allowed for seven day's attendance on the business, in vacation, the sum of five pounds five shillings each, and that Mr. Ridgely be allowed, for mileage, in going to Lewestown on the said business, the sum of two pounds two shillings, and that Mr. Cook be also allowed, for mileage to Lewestown, on the said business, the sum of two pounds and fourteen shillings.

Mr. Montgomery, a member of Assembly, was admitted and delivered to the Council several engrossed bills, to be signed by the Speaker, which said bills were compared and signed accordingly.

The same member also delivered the following resolution, which was read, viz:

IN THE HOUSE OF ASSEMBLY, February 3, 1789.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the following acts:

1. "An act entitled 'A supplement to an act to prevent the exportation of slaves;'"

2. "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes;'"

3. "A supplement to an act entitled 'An act for calling in and destroying such of the Bills of Credit emitted by virtue of any law of this State, passed under the present or former Government thereof, as are now outstanding, and for other purposes;'"

4. "An act to dissolve the marriage of James Hathaway with Mary, his wife;"

5. "An act to incorporate the Physicians of the Delaware State, and for other purposes therein mentioned;"

6. "An act for altering the manner of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables."

Concurred in.

Mr. Raymond was admitted and delivered the bill entitled "An act for raising £12,600," and the amendments proposed by Council rejected, and a paper of amendments proposed to the paper of amendments from the Council, which was read and deferred till to-morrow morning for further consideration.

Adjourned to 10 o'clock.

WEDNESDAY, Feb. 4, 1789.

The Council met.

On motion of Mr. Mitchell for leave to bring in a bill for altering the place of holding the election in the County of Sussex, the same was granted; whereupon he laid before the Council a bill entitled "An act for altering the place of election * * *

[So ends the record of the proceedings of the Council for the

year 1789. The minutes of the House of Assembly show that an adjournment *sine die* took place early on the 4th of February. The General Assembly convened again on the 26th day of May, pursuant to a summons of Hon. Jehu Davis, Speaker of the House of Assembly, upon whom the government devolved by reason of the decease of the President (Thomas Collins), and of the Vice-President (Nicholas Vandyke); and in a brief message, dated May 27th, Mr. Davis asks to be relieved. On Saturday, May 30th, Joshua Clayton was elected to the Presidency for the term of three years. On the 2d of June, Mr. Clayton formally accepted and entered upon the duties of the office. The Legislature adjourned *sine die* on the 5th of June.

The General Assembly met in Dover, October 20th, and adjourned on the 24th of the same month to the first Monday in January, 1790, after passing two unimportant bills.

The journal of the Council for the year 1790, could not be found among the State papers when the manuscripts of the minutes for other years were collected. From the House journal it is learned that the January session lasted until the 29th of said month, when both houses adjourned *sine die*. At this session the amendments to the Constitution of the United States, proposed by Congress in 1789 (except the first), were duly ratified. "An act to regulate marriages," was the only other measure of general interest that passed. George Mitchell was Speaker of the Council.

The General Assembly met, in Dover, on the 20th of October, 1790, and adjourned on the 26th of that month to the 4th of January, 1791. George Read was reëlected United States Senator. "An act directing the election of a Representative for this State in the Congress of the United States," was passed at this session.

The journal of the January session of the Council, 1791, to the 28th day, is missing, except a leaf containing part of the proceedings of a joint meeting of the two Houses held on the 22d.]

MINUTES OF COUNCIL.

1791.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1791.*

SATURDAY, 22d January, 1791.

The Council and the House of Assembly met, in the Council Chamber, for the nomination of persons out of whom shall be chosen, by ballot, Justices of the Court of Common Pleas and Orphans' Court for the County of New Castle.

Mr. Johnson proposed Alexander Porter, Esquire, as fourth Justice.

Mr. Ridgely proposed Thomas McDonough, Esq., as second Justice.

Mr. James proposed Thomas Robinson as third Justice.

Resolved, That a committee of three be appointed to wait on and inform the President of the convention of the two Houses.

The committee are Mr. Duff, Mr. Grantham, Mr. Bedford.

Resolved, That the two Houses separate for fifteen minutes.

[A tally kept on the sheet containing the above minutes indicates that when the two houses reassembled a ballot was taken and Thomas McDonough received 25 votes as second Justice, Thomas Robinson 25 votes as third Justice, and Alexander Porter 24 votes as fourth Justice, and that each was duly elected.]

* See note on page 1188.

FRIDAY, January 28th, 1791.

Council assembled. Present as yesterday.

The Committee of the General Assembly appointed on the — instant, presented the following report, viz:

We, a committee of the General Assembly, do report: That we have examined and counted the Treasury notes issued by the Treasurer of the State and paid in to him again, and find they amount to 12,664 $\frac{40}{100}$ dollars, equal to £4749 : 3 : 4, as, by a schedule, specifying their number and amounts, returned to the Auditor, may be particularly seen; and further, that the same were burned in our presence.

NICH'S RIDGELY,

Member of Council.

THOMAS MONTGOMERY,

Member of the House of Assembly.

28th January, 1791.

On motion, the bill entitled "An act to amend the act entitled 'An act to prevent the exportation of slaves, &c.,'" was read a second time and rejected.

On motion, the bill entitled "An act to vacate and make void a part of the public road or highway leading from Brandywine Creek to Christiana Ferry," was read, and the amendment proposed thereto was agreed to, with an additional amendment proposed by Council.

Ordered, That the said bill be returned to the House of Assembly by the Secretary; which was done accordingly.

Resolved, That no more accounts shall be allowed by this State on account of services rendered, money advanced, articles furnished, or any other matter or thing properly chargeable by individuals against this State, and by the State against the United States.

Resolved, That the Auditor be furnished, by the Secretary of Council, with the above resolution.

Sent for concurrence.

On motion, the resolution of the House of Assembly of the 25th instant, respecting the claim of William Killen, Esquire, executor of Col. John Haslet, deceased, was read and concurred in.

Resolved, That if upon the final settlement of the accounts of this State with the United States, Col. Haslet's estate shall not be charged with any interest on $1,374\frac{11}{10}$ dollars, the balance due on his account to the United States, this State will cause such interest as hath already been paid on that sum to be returned in final settlement certificates to the executor of Colonel Haslet.

Mr. Batson, a member of Assembly, was admitted and presented a bill entitled "An act for extending the time for the first payment of the tax for the service of the year 1790," passed by the House of Assembly, sent for concurrence. Which was, by order, read.

On motion, the bill entitled "An act for the supporting, maintaining, and keeping in good order the bridge over Mispillion Creek, and for other purposes therein mentioned," was read, and two amendments being proposed and agreed to, passed Council.

Ordered, That the Secretary return the said bill, with the amendments, to the House of Assembly, for their concurrence; which he accordingly did.

Resolved, That the State Treasurer be authorized to call upon the several officers within this State in whose hands Continental Bills of credit and final settlement certificates belonging to this State may have been lodged, and receive the same from them, and cause the same, together with those already in the Treasury, to be placed in the funds of the United States in the name of the Delaware State, and the said State Treasurer shall report his proceedings thereon to the General Assembly at their next sessions.

Sent for concurrence.

Mr. Cannon, a member of Assembly, was admitted and return-

ed the bill entitled "A supplement to the act for embanking the Ferry Marsh," unanimously rejected.

On motion, the resolution of the House of Assembly of the 10th instant, for appointing commissioners to receive the revised acts of Assembly, was read and concurred in. The commissioner appointed on the part of Council is Nicholas Ridgely, Esq.

Mr. Batson, a member of Assembly, was admitted and presented the following papers: An act to enable the heirs of Jacob Cannon, late of Sussex County, deceased, to keep a Ferry over the River Nanticoke, at a place known by the name of Cannon's Ferry; which was, by order, read.

The same member also returned a report from the Auditor, dated the 20th January, 1791, with an amendment proposed thereto by the House of Assembly; and he returned the report of the Auditor, dated 18th January, 1791, with one amendment which was proposed thereto by Council acceded to, and one disagreed to unanimously; which report was, by order, read, and, on motion, Council unanimously adhered to their proposed amendments.

Ordered, That the same, with the foregoing resolution, be delivered by the Secretary to the House of Assembly for their concurrence; which was done accordingly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council assembled.

On motion, *Ordered*, That Nicholas Ridgely and Charles Nixon be and they are hereby appointed to take effectual measures to have fifty copies of the Votes and Proceedings of this house printed, from October, 1788, to the present session, inclusive.

Mr. Grantham, a member of Assembly, was admitted and re-

turned the bill entitled "An act to vacate and make void a part of the public road or highway leading from Brandywine Creek to Christiana Ferry," with an additional amendment proposed thereto, which was agreed to.

Council ordered said bill to be engrossed.

On motion, the report of the Auditor, dated 20th instant, was read, and an amendment being proposed to the amendment proposed by the House of Assembly, ordered that the same be returned to the House of Assembly by the Secretary; which was done accordingly.

On motion, the bill entitled, "An act for extending the time for the first payment of the tax for the service of the year 1790," was read a second time, by special order, by paragraphs, and passed.

Ordered, That the said bill be returned to the House of Assembly by the Secretary; which was done accordingly.

Mr. Snow, a member of Assembly, was admitted and returned the resolution authorizing the State Treasurer to fund the bills of credit and certificates, with an amendment proposed thereto, and also the resolution respecting accounts against this State, with an amendment proposed thereto; which amendments were, on motion, acceded to.

Adjourned till to-morrow morning, 8 o'clock.

SATURDAY, January 29th, 1791.

Council assembled. Present as yesterday.

Mr. Raymond, member of the House of Assembly, was admitted and returned the resolution of Council respecting the executor of Col. John Haslet, concurred in by the House of Assembly, and the bill entitled "An act to authorize Ann Ridgely and Nicholas Ridgely, executors of Chas Ridgely, Esq., deceased, to convey unto Daniel Mifflin a certain parcel of land situate in

Murderkill Hundred, Kent County," with sundry amendments proposed thereto, which was, on motion, read and rejected.

Mr. Truitt, a member of the House of Assembly, was admitted and presented for concurrence a bill entitled "A supplement to an act entitled "An act for erecting a bridge and causeway over Lewes Creek, from the Town of Lewes to the Cape side of said Creek, in the County of Sussex," which, on motion, was read.

The same member also presented the report of the Auditor, dated January 20th, 1791, with the amendment proposed thereto by the House of Assembly, adhered to by that House, and the following resolution, viz:

IN THE HOUSE OF ASSEMBLY,

FRIDAY, P. M., January 28th, 1791.

Resolved, That it is the opinion of this General Assembly that the Constitution of the Delaware State should be revised, amended, and altered, according to the mode prescribed by the Constitution; that such revision shall be the duty of the next General Assembly; and that this resolution be published for the consideration of the good people of this State.

Ordered, That a copy of the above resolution be sent to the Council for consideration and concurrence.

JAS. BOOTH, *Cl'k of Assembly*.

In Council, read and disagreed to.

Mr. Hayes was admitted and delivered several engrossed bills, signed by the Speaker of the House of Assembly.

On motion,

Ordered, That the Speaker proceed to sign the engrossed bills passed this session.

On motion, The bill entitled "A supplement to an act entitled 'An act for erecting a bridge and causeway over Lewes Creek from the Town of Lewes to the Cape side of said Creek, in the County of Sussex,'" was read a second time.

By special order, the same was read a third time by paragraphs, and passed.

Ordered, That the said bill be returned to the House of Assembly, which was done accordingly.

The Hon. Alexander Porter, Esq., delivered to Council his resignation of the office of Judge of the Court of Appeals for the Delaware State, which was, by order, read and accepted.

Resolved, That the State Treasurer be directed to purchase one hundred tickets in the lottery for finishing the Court House in the town of Dover, for the use of the State, which tickets shall be delivered to the Auditor before the drawing of said lottery, he giving a receipt for the same to the State Treasurer, specifying the number of each ticket, and the Auditor shall enter the same, with their several numbers, on the book of his office.

Sent for concurrence.

Council allowed the following accounts:

To the Honorable Alexander Porter, Esq., for 27 days' attendance and mileage, ...	£ 26 4 0
To Gunning Bedford, Esq., for 21 days' attendance and mileage, ...	15 2 0
To Thomas Kean, Esq., for 10 days' attendance and mileage, ...	8 17 0
To John Baning, Esq., for 25 days' attendance, . .	15 0 0
To Nicholas Ridgely, Esq., for 25 days' attendance, .	15 0 0
To John Gordon, Esq., for 25 days' attendance, . .	15 0 0
To George Mitchell, Esq., for 6 days' attendance and mileage, ...	6 6 0
To Isaac Cooper, Esq., for 27 days' attendance and mileage, ...	18 14 0
To Rhoads Shankland, Esq., for 21 days' attendance and mileage, ...	14 17 0
To Charles Nixon, for 25 days' attendance as Secretary, and engrossing, ...	25 12 9
To Thomas Wilds, for 25 days' attendance as Sergeant-at-Arms and Doorkeeper, ...	6 5 0
To Elizabeth Battell, for the use of the Council Chamber, ...	15 0 0
	£181 17 9

On motion,

Resolved, That orders be drawn on the State Treasurer for the above sums, and that the same be signed by the Speaker.

Whereupon orders were drawn and signed accordingly.

Mr. Cannon, a member of Assembly, was admitted and returned the resolution authorizing the State Treasurer to purchase tickets in the lottery for the use of the State, with the following amendment proposed, viz:

“Provided a sum not exceeding £150 be paid for the same;” to be inserted after the word ‘State,’ in line third.”

Which amendment was read and acceded to.

On motion, Council proceeded to consider the amendment proposed to the Auditor’s Report of the 20th January, 1791, and having receded from their proposed amendment, do concur in the following amendment proposed thereto by the House of Assembly, viz:

Dele the last line of the report and instead thereof insert “sixty pounds.”

Ordered, That the Secretary return the said report, with the amendment acceded to, to the House of Assembly; which he did accordingly.

Mr. Oliver, a member of Assembly, was admitted and delivered the following resolution:

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following act, viz:*

Council adjourned to 20th October next.

*According to the manuscript.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

SPECIAL SESSION, SEPTEMBER, 1791.

MONDAY, 5th September, 1791.

Council met pursuant to the summons of the President of the State. A quorum not attending, adjourned to Tuesday, 6th, P. M.

TUESDAY, 6th, P. M.

Council assembled. Present, Mr. Mitchell, Speaker, Mr. Kean, Mr. Ridgely, Mr. Gordon, Mr. Shankland, and Mr. Cooper.

The Secretary of State presented the following message from his Excellency, the President, viz:

Gentlemen of the General Assembly:

A majority of the House of Assembly of this State having, by several address, represented to me that a speedy meeting of the Legislature would be productive of beneficial effects to the good people of this State, and requested the Legislature to be convened on the fifth instant, I did, therefore, on the eighteenth day of August last, issue writs of summons for that purpose, and as I have no public business which requires your immediate attention, I have directed the Secretary to lay before you those addresses and such of the writs as have been returned to me.

The Secretary will also deliver your honors a collection of the laws passed at the third session of Congress, and the journals of the Senate during the second session, and of the House of Representatives during the third session. J. CLAYTON.

Dover, Sept, 6, 1791.

On motion, the above message, together with the addresses and writs therein referred to, were read.

Council adjourned to 10 o'clock to-morrow.

WEDNESDAY, 7th, P. M.

Council assembled. Present as yesterday.

A petition, signed by ten persons residing in the County of Sussex, praying that a convention may be chosen, at the next general election, for the purpose of revising and amending the Constitution, or for framing a new one in its stead, was presented to the Chair, and, on motion, read.

Mr. Grantham, a member of Assembly, was admitted and delivered to the Chair the following resolutions, viz:

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
WEDNESDAY, A. M., September 7th, 1791.

1. *Resolved* unanimously, That, in the opinion of this House, alterations and amendments of the Constitution of this State are necessary; and that the same should be revised in such manner as may be best adapted to the end proposed.

And whereas governments are instituted for securing the unalienable rights of man, and the protection of individuals in the enjoyment of life, liberty, and property; and all government originates from the people, is founded in compact only, and intended solely for the good of the whole: and whereas it is expressly declared by our own Bill of Rights, "That whenever the ends of government are perverted, and public liberty manifestly

endangered, the people may, and of right ought, to establish a new, or reform the old government," from which, as well as from the nature of society, and the principles of government, it appears that the people have, at all times, an inherent right to alter and amend the form of government, in such manner as may appear to them best adapted to the end proposed ; and whereas it has been found from experience, that the great and important ends of government are not effected by our present form of government, and that the general departments thereof are so blended together, and improperly arranged, as to prevent an impartial, beneficial, and energetic operation ; and whereas the burdens and expenses of government are with difficulty borne, and in some instances the present form is contradictory to the constitution of the United States, which every member of the Legislature and all Executive and Judicial officers must be bound by oath or affirmation to support ; and whereas, by the thirtieth article of the constitution of this State, the power of revising the same, and of altering and amending certain parts thereof, is vested in the General Assembly ; and it appears to this House, that the exercise of the power of altering and amending the constitution by the Legislature would not be productive of all the valuable purposes intended by a revision, nor be so satisfactory and agreeable to our constituents ; and that it would be more proper and expedient to recommend to the good people of this State to choose deputies for this special purpose, to meet in convention, it is therefore further

2. *Resolved*, That it be recommended to the good people of the several Counties of this State to choose a suitable number of deputies, to meet in convention, for the purpose of revising, altering and amending the Constitution of this State ; or, if they see occasion, for forming a new one instead thereof.

3. *Resolved, also*, That it is the opinion of this House, that the said Convention consist of the number of thirty persons ; that is to say: ten for the County of New Castle, ten for the County of Kent, and ten for the County of Sussex ; and be chosen on the first day of October next, in the same manner, by the same persons, at the same places, and under the same regulations, as are directed and appointed by the Election Laws of this State ; save that the names of the persons to be elected deputies shall be written on pieces of paper separate from those containing the legislative representatives and officers then to be elected, and put

into separate boxes ; and that the returns should be made to the convention so choosen ; and that the said convention should meet on Tuesday, the twenty-ninth day of November next, at the Town of Dover.

4. *Resolved*, That it be and it is hereby recommended to the succeeding House of Assembly to provide by law for the expenses incurred by the said election and convention.

Extract from the minutes.

JAS. BOOTH,

Sent for concurrence.

Cl'k of Assembly.

On motion, the above and foregoing resolutions were read, and five amendments, being proposed, were agreed to.

Mr. Batson, a member of the House of Assembly, was admitted and presented a petition from Francis McMullan, together with a bill entitled "An act for enabling Francis McMullan and his issue to take and use the surname of Gardner, pursuant to the last will and testament of James Gardner, deceased," passed by the House of Assembly, sent for concurrence; which bill was, on motion, read.

Mr. Cannon, a member of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, September 7th, 1791.

Resolved, That the President of the State be, and he hereby is required and empowered to demand and receive of any officer or officers of this State any certificates or public securities that have or may come to his or their hands, on or before the last day of this month; and if it shall appear to the President to be proper and expedient that the same, or any part thereof, ought to be subscribed to the loan of the United States, to take such order therein as to him may seem most beneficial to the State.

Extract from the minutes.

JAS. BOOTH,

Sent for concurrence.

Cl'k Assembly.

On motion the above resolution was read, considered, and agreed to.

Council adjourned to 10 o'clock to-morrow.

THURSDAY, 8th September, 1791, A. M.

Council assembled. Present as yesterday.

The Secretary, by order, returned to the House of Assembly the resolution respecting the public securities, concurred in by Council, and also the resolutions for altering the Constitution, with the amendments proposed thereto by the Council.

On motion, by special order,

The bill entitled "An act for enabling Francis McMullan and his issue to take and use the surname of Gardner, pursuant to the last will and testament of James Gardner, deceased," was read a second time, by paragraphs, and passed Council.

Ordered, That the said bill be returned to the House of Assembly.

By order, the Speaker signed a writ directed to the Sheriff of New Castle County, authorizing and requiring him to hold an election for a member of the Legislative Council in the room and stead of Alexander Porter, Esquire, who hath accepted his appointment of fourth Justice in the Court of Common Pleas in said County; and a writ directed to the Sheriff of Kent County, authorizing and requiring him to hold an election for a member of the Legislative Council in the room of John Baning, Esquire, deceased.

Ordered, That the Secretary forward the said writs to the respective Sheriffs forthwith.

Council adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council assembled.

Mr. Truitt, a member of Assembly, was admitted and returned the resolution for altering the Constitution, with three of the amendments proposed by Council acceded to, a fourth in part

acceded to, and the fifth disagreed to, with two amendments proposed thereto by the House of Assembly; which were, on motion, read.

On motion,

Resolved, That Council do adhere to their amendments proposed to the above resolutions, and disagree to those proposed by the House of Assembly.

Ordered, That the same be returned to the House of Assembly by the Secretary; which was done accordingly.

Mr. Oliver, a member of Assembly, was admitted and returned the resolutions for altering the Constitution, with a further amendment proposed thereto by the House of Assembly. They agree to the 5th amendment, proposed by Council, and adhere to their disagreement in part to the 4th amendment proposed by Council, and recede from one of their first proposed amendments.

The said resolution and amendments were, by order, read, and the amendment proposed by the House of Assembly was disagreed to by Council and their proposed amendments adhered to.

Ordered, That the same be returned to the House of Assembly by the Secretary; which was done accordingly.

Mr. Batson, a member of Assembly, was admitted and returned the bill entitled "An act for enabling Francis McMullan and his issue to take and use the surname of Gardner, pursuant to the last will and testament of James Gardner, deceased," signed by the Speaker of the House of Assembly.

On motion, the said bill was signed by the Speaker of Council, and the resolution of the House of Assembly for affixing the Great Seal thereto agreed to.

Resolved, That Charles Nixon, the present Clerk of Council, procure, at the expense of the public, one and a half dozen of armed chairs, and a writing desk, and two small tables, fitting for the accommodation of Council; and that the Speaker draw an order on the State Treasurer for the amount thereof when purchased.

Council allowed the following accounts:

To the Honorable George Mitchell, Esq., Speaker, for 6 days' attendance and mileage, ...	£	8	2	0
To Thomas Kean, Esq., for 6 days' attendance and mileage, ...		6	7	0
To Nicholas Ridgely, Esq., for 4 days' attendance, .		2	8	0
To John Gordon, Esq., for 4 day's attendance, . . .		2	8	0
To Rhoads Shankland, Esq., for 5 days' attendance and mileage, ...		5	5	0
To Isaac Cooper, Esq., for 5 days' attendance and mileage, ...		5	10	0
To Charles Nixon, for 4 days' attendance as Clerk, .		2	10	0
To Thomas Wilds, for 4 days' attendance as Door- keeper, ...		2	5	0
		£	34	15 0

On motion,

Resolved, That orders be drawn on the State Treasurer for the foregoing sums, and that the same be signed by the Speaker.

Whereupon orders were drawn and signed accordingly.

Mr. Truitt, a member of Assembly, was admitted and presented an account of David Harper, for the sum of three pounds, for summoning the General Assembly, allowed by the House of Assembly; which was, on motion, read and agreed to.

On motion,

Resolved, That the Speakers of both Houses draw their order on the State Treasurer, in favor of David Harper, for the sum of three pounds.

Sent for concurrence.

Mr. Truitt, a member of Assembly, was admitted and returned the resolutions for altering the Constitution, with all the amendments proposed by Council acceded to by the House of Assembly; which resolutions are as follows:

IN THE GENERAL ASSEMBLY OF THE DELAWARE STATE,

THURSDAY, September 8th, 1791.

1. *Resolved unanimously*, That, in the opinion of this General Assembly, alterations and amendments of the Constitution of this

State are necessary, and that the same should be revised in such manner as may be best adapted to the end proposed.

And whereas governments are instituted for securing the unalienable rights of man, and the protection of individuals in the enjoyment of life, liberty, and property, and all government originates from the people, is founded in compact only, and intended solely for the good of the whole; and whereas it is expressly declared by our own Bill of Rights, "That whenever the ends of government are perverted, and public liberty manifestly endangered, the people may, and of right ought, to establish a new, or reform the old government," from which, as well as from the nature of society and the principles of government, it appears that the people have at all times an inherent right to alter and amend the form of government in such manner as may appear to them best adapted to the end proposed; and whereas it has been found, from experience, that the great and important ends of government are not effected by our present form of government, and that the general departments thereof are so blended together and improperly arranged as to prevent an impartial, beneficial and energetic operation; and whereas the burdens and expenses of government are with difficulty borne, and in some instances the present form is contradictory to the Constitution of the United States, which every member of the Legislature and all Executive and Judicial officers must be bound by oath or affirmation to support; and whereas, by the Thirtieth Article of the Constitution of this State the power of revising the same, and of altering and amending certain parts thereof, is vested in the General Assembly; and it appears to this General Assembly that the exercise of the power of altering and amending the Constitution by the Legislature would not be productive of all the valuable purposes intended by a revision, nor be so satisfactory and agreeable to our constituents; and that it would be more proper and expedient to recommend to the good people of this State to choose deputies for this special purpose, to meet in convention, it is therefore further

2. *Resolved*, That it be recommended to the good people of the several Counties in this State to choose a suitable number of deputies, to meet in convention, for the purpose of revising, altering and amending the Constitution of this State; or, if they see occasion, for forming a new one instead thereof.

3. *Resolved, also*, That it is the opinion of this General Assembly that the said Convention consist of the number of thirty persons; that is to say: ten for the County of New Castle, ten for the County of Kent, and ten for the County of Sussex; and be chosen on the first day of October next, in the same manner, by the same persons, at the same places, and under the same regulations, as are directed and appointed by the election laws of this State; save that any free white citizen of this State, of the age of twenty-one years and upwards, shall be eligible to a seat in the said Convention, and that the returns should be made to the Convention so chosen; and that the said Convention should meet on Tuesday, the twenty-ninth day of November next, at the Town of Dover.

4. *Resolved*, That the members and officers of the said Convention shall be entitled to receive the like wages as are now paid to the members and officers of the General Assembly; and that the presiding member of the said Convention draw his order on the Treasurer of the State for such wages in favor of the respective members and officers of said Convention.

5. *Resolved*, That the several Sheriffs of the State be furnished with a copy of these resolutions by the President, certified by the Clerk of each House; and that the said Sheriffs, or other officers who may hold the said elections, do give public notice, as soon as conveniently may be, by twenty advertisements at least, set up in the most public places in each county, of the said election of a Convention, and that the said Clerks furnish the President with said copies.

Council adjourned to the 20th day of October next.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a session commenced at Dover, on the twentieth day of October, in the year of our Lord one thousand seven hundred and ninety-one, divers of the members met, but the number not being a quorum, they adjourned to Monday, the twenty-fourth instant.

MONDAY, October 24th, 1791, P. M.

The following members of Council appeared and took their seats, viz: Mr. Alexander, Mr. Tilton, Mr. Gordon, Mr. Raymond, Mr. Mitchell, and Mr. Shankland.

The return of the Sheriff and Inspectors of the County of New Castle of the election of a Councillor to fill the seat of Alexander Porter, Esquire, who hath been appointed fourth Justice of the Court of Common Pleas for said County, and of the election of a Councillor to fill the seat of Gunning Bedford, Esquire, which became vacant by rotation, being laid on the table and read, it appears that Nehemiah Tilton, Esquire, was duly elected in lieu of Alexander Porter, Esquire, and that Archibald Alexander, Esquire, was duly elected in lieu of Gunning Bedford, Esquire, members of the Council for the said County, according to the Constitution and Laws of the Delaware State.

The return of the Sheriff and Inspectors of the County of Kent of the election of a Councillor to fill the vacancy occasioned by the death of John Baning, Esquire, and of the election of a

Councillor to fill the seat of Nicholas Ridgely, Esquire, which became vacant by rotation, being laid on the table and read, it appears that Fenwick Fisher, Esquire, was duly elected in lieu of John Baning, Esquire, deceased, and that James Raymond, Esquire, was duly elected in lieu of Nicholas Ridgely, Esquire, members of the Council for the said County, according to the Constitution and Laws of the Delaware State.

The return of the Sheriff and Inspectors of the County of Sussex of the election of a Councillor to fill the seat of George Mitchell, Esquire, which became vacant by rotation on the 1st October instant, being laid on the table and read, it appears that George Mitchell, Esquire, was reelected a member of the Council for the said County, according to the Constitution and Laws of the Delaware State.

Council proceeded to the choice of a Speaker, and the Honorable George Mitchell, Esquire, was unanimously elected.

The Speaker, in the Chair, took the oath prescribed by the Constitution, and subscribed the declaration of faith therein required, and Archibald Alexander, Nehemiah Tilton, and James Raymond, Esquires, took the said oath and subscribed the said declaration. [*See note on page 10.*]

The Speaker presented a letter from the Honorable John Dickinson, Esquire, inclosing the following resignation, viz:

“I, John Dickinson, hereby resign my commission of Judge in the Court of Appeals for the Delaware State.”

Which resignation was, on motion, accepted.

On motion, by order,

The rules to be observed by the members of Council, made and agreed to in the year 1776, with an additional one, made and agreed to in 1786, were read and adopted as the rules to be observed during the present sitting of Council.

Council adjourned to 10 o'clock to-morrow.

TUESDAY, October 25th, 1791, A. M.

Council assembled. Present as yesterday.

Mr. McKennan, a member of the House of Assembly, was admitted and presented to the Chair the following report, viz:

The Commissioner appointed to state and support the claim of this State against the Union, begs leave to report: That after two preparatory journeys to Philadelphia, he entered on the business of his mission in the month of June last, and on the 24th day of the same month exhibited a claim, amounting to 3,261,044 $\frac{1}{10}$ dollars, of old emissions, and 380,228.90 $\frac{1}{3}$ dollars, of specie, to the Board of Commissioners appointed by Congress; that the Board estimated the old emission payments to be equal to 100,000 dollars, and supposed that two-thirds of the sum might be allowed for interest, making the whole, on a rough calculation, to amount to 800,000 specie dollars.

The Commissioner made sundry other claims by way of a general saving, and informed the Board that he would hold himself in readiness to support the claims of the State by the best proofs in his power; that in doing this reference would be made, in some cases, to the laws and journals of the Legislature, and to the public books of the State. And he expressed his hopes that great indulgence would be shown the State in consequence of the loss of papers captured by the enemy.

The Commissioner has applied since to the Board, both by writing and in person, to know when he shall attend to finish the business, and was informed that those attending from distant States ought to be dispatched first, and that notice should be given him in case it was necessary for him to attend to substantiate any part of the claim of Delaware.

Dover, October 24th, 1791.

ELEAZER McCOMB.

Mr. McKennan also presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, Oct. 25th, 1791.

On motion,

Resolved, That it is the intention of this House to conclude the present session this evening by adjourning to a distant day,

and that a copy of this resolution be sent to the Council for their information.

Extract from the minutes.

JAS. BOOTH, *Cl'k of Assembly.*

The foregoing report and resolution were, on motion, read.

Council adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council assembled.

Mr. Many, a member of Assembly, was admitted and presented to the Chair a bill entitled "A supplement to an act entitled 'An act for raising the sum of one thousand pounds, by a lottery, for the use of the State, and for other purposes,' " passed by the House of Assembly and sent for concurrence.

On motion, the said bill was read.

Mr. Batson, a member of Assembly, was admitted and presented to the Chair a bill entitled "A supplement to an act entitled 'An act for removing the Seat of Justice from Lewes to a more central part of Sussex County, and for other purposes,' " passed by the House of Assembly and sent for concurrence.

On motion, the said bill was read.

Mr. Evans, a member of Assembly, was admitted and presented to the Chair a bill entitled "An act to enable Risdon Bishop, of the County of Kent, to bring certain slaves into this State," passed by the House of Assembly and sent for concurrence.

On motion, the said bill was read.

On motion, the bill entitled "A supplement to an act entitled "An act for raising the sum of one thousand pounds, by lottery, for the use of the State, and for other purposes,' " was read a second time.

On motion, the bill entitled "A supplement to an act entitled 'An act for removing the Seat of Justice from Lewes to a more central part of Sussex County, and for other purposes,'" was read a second time.

On motion, the bill entitled "An act to enable Risdon Bishop, of the County of Kent, to bring certain slaves into this State," was read a second time.

On motion, the said bill was read a third time by paragraphs and passed Council.

Ordered, That said bill be returned to the House of Assembly by the Secretary; which was done accordingly.

Council adjourned to 9 o'clock to-morrow.

WEDNESDAY, October 26th, 1791, A. M.

Council assembled. Present as yesterday.

On motion, the bill entitled "A supplement to an act entitled 'An act for raising the sum of one thousand pounds, by a lottery, for the use of this State, and for other purposes,'" was read a third time, by paragraphs, and an amendment being proposed and agreed to, passed Council.

Ordered, That the said bill, with the amendments proposed, be returned, by the Secretary, to the House of Assembly for their concurrence; which was done accordingly.

On motion, the bill entitled "A supplement to an act entitled 'An act for removing the Seat of Justice from Lewes to a more central part of Sussex County, and for other purposes,'" was read a third time by paragraphs and passed Council.

Ordered, That the said bill be returned to the House of Assembly by the Secretary; which was done accordingly.

Mr. Batson, a member of Assembly, was admitted and returned the bill entitled "A supplement to an act entitled 'An act

for raising the sum of one thousand pounds, by a lottery, for the use of the State, and for other purposes,''' with the amendments proposed by Council disagreed to, and a further amendment proposed by the House of Assembly; which was, on motion, read, and the amendment proposed by Council adhered to, and the amendment proposed by the House of Assembly disagreed to.

Ordered, That the said bill be returned by the Secretary; which was accordingly done.

Council adjourned to 3 o'clock.

EODEM DIE, P. M., 26th October, 1791.

Council assembled.

On motion,

Resolved, That John Gordon, Esq., be requested to furnish the Council Chamber, in the Court House, at Dover, with such things as he may think necessary for the accommodation of Council, and that he exhibit his account to Council, at their next meeting, for his expenditures in the same, which shall be allowed him.

Ordered, That the Clerk of Council furnish the said John Gordon, Esq., with a copy of this resolution.

Council made the following allowances:

To the Honorable George Mitchell, Esq., Speaker, for 5 days' attendance and mileage, ...	£	7	0	0
To Archibald Alexander, Esq., for 5 days' attend- ance and mileage, ...		5	5	0
To Nehemiah Tilton, Esq., for 5 days' attendance and mileage, ...		5	10	0
To John Gordon, Esq., for 7 days' attendance, . . .		4	4	0
To James Raymond, Esq., for 5 days and mileage, .		4	2	0
<i>Carried forward</i> , ...	£	26	1	0

<i>Brought over</i> , ...	£ 26	1 0
To Rhoads Shankland, Esq., for 5 days' attendance and mileage, ...	5	5 0
To Charles Nixon, for 7 days' attendance as Clerk and for paper, ...	4	10 6
To Thomas Wild, for 7 days' attendance as Door- keeper and bell-ringer, ...	3	19 3
To James Coleman, for making a writing desk for Council Chamber, ...	11	5 0
To Christopher Horton, for 18 armed chairs, ...	10	2 6
	£61	3 3

On motion,

Resolved, That orders be drawn on the State Treasurer for the foregoing sums, and that the same be signed by the Speaker.

Whereupon orders were drawn and signed accordingly.

Mr. Robinson, a member of the House of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, October 26, 1791.

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following acts, viz:

1. "A supplement to an act entitled 'An act for removing the Seat of Justice from Lewes to a more central part of Sussex County, and for other purposes;'"

2. "A supplement to an act entitled 'An act for raising the sum of one thousand pounds, by a lottery, for the use of this State, and for other purposes;'"

3. "An act to enable Risdon Bishop, of the County of Kent, to bring certain slaves into this State."

Sent for concurrence.

JAS. BOOTH,

Extract from the minutes.

Cl'k of Assembly.

On motion, the above resolution was read and concurred in.

Mr. Robinson also delivered the acts above mentioned, signed by the Speaker of the House of Assembly, which, being compared with the originals, on motion, ordered that the same be signed by the Speaker of Council; which was done accordingly.

Council adjourned to the first Tuesday in January next.

MINUTES OF COUNCIL.

1792.

THOMAS KEAN, NEHEMIAH TILTON,
ARCHIBALD ALEXANDER.

FENWICK FISHER, JAMES RAYMOND.
(Vacancy, by the death of John Gordon.)

GEORGE MITCHELL, *Speaker*, RHOADS SHANKLAND,
ISAAC COOPER.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1792.

At a meeting of the Council, at Dover, on the 3d day of January, 1792, the number of members sufficient to constitute a quorum not appearing, they adjourned from day to day until Wednesday, the eleventh day of January, instant.

WEDNESDAY, 11th January, 1792.

Council assembled. Present, the Honorable George Mitchell, Esq., Speaker; Mr. Tilton, Mr. Alexander, Mr. Raymond, Mr. Shankland, and Mr. Cooper.

Adjourned to 10 o'clock to-morrow.

THURSDAY, 12th January, 1792.

Council assembled. Present as yesterday.

On motion of Mr. Tilton, seconded by Mr. Raymond, that the bill entitled "A supplement to the execution law," which had lain on the files of Council since October, 1790, be now taken up

and referred to a committee of three to report thereon, it was determined in the affirmative.

The committee appointed are Mr. Tilton, Mr. Cooper, and Mr. Alexander.

Adjourned to 3 o'clock this afternoon.

THURSDAY, January 12th, 1792, P. M.

Council assembled.

The Speaker laid on the table a letter from the Auditor, informing Council that his indisposition prevented his attendance, which was, by order, read.

Adjourned to ten o'clock to-morrow.

FRIDAY, January 13th, 1792, A. M.

Council assembled. Present as yesterday.

Adjourned to 3 o'clock.

FRIDAY, January 13th, 1792, P. M.

Council assembled.

On motion,

Ordered, That Nehemiah Tilton, Esquire, be and he is hereby appointed, instead of Nicholas Ridgely, Esquire, heretofore appointed for that purpose, whose time as a member of Council has since expired, to take effectual measures, with the assistance of Charles Nixon, to have fifty copies of the votes and proceedings

of Council, together with the rules established by Council prefixed thereto, printed, from October, 1788, to the present session, inclusive.

The committee to whom was referred the bill entitled "A supplement to an act for taking lands in execution," presented the following report, viz:

"That the existing laws of this State and the practice and usage of the Courts are competent to all the purposes intended to be remedied by said act. We are therefore of opinion the said supplementary act ought to be rejected by Council."

On motion, the above report was read and agreed to.

On motion,

Resolved, That Mr. Tilton, Mr. Raymond, and Mr. Cooper be a committee to prepare and bring in a bill to revise the act entitled "An act supplementary to the act entitled 'An act for the more easy and speedy recovery of small debts,' passed the 5th February, 1785."

Mr. McKennan, a member of Assembly, was admitted and delivered the following resolution:

IN THE HOUSE OF ASSEMBLY, January 12th, 1792, P. M.

On motion,

Resolved, That a Joint Committee of both Houses be appointed to confer on the business relating to the Auditor of Accounts of this State, in order to devise the best means to procure to the Legislature such information as may be considered expedient, and likewise to procure the books of the State Treasurer.

The members appointed on the part of this House are Mr. McKennan and Mr. Barker.

Extract from the minutes.

JAS. BOOTH,

Sent for concurrence.

Cl'k of Assembly.

On motion, the above resolution was read and concurred in.

The members appointed on the part of Council are Mr. Alexander and Mr. Shankland.

Adjourned to 10 o'clock to-morrow.

SATURDAY, January 14th, 1792, A. M.

Council assembled. Present as yesterday.

Mr. Robinson, a member of Assembly, was admitted and presented to the Chair a bill entitled "A supplementary act to an act entitled 'An act to enable the owners and possessors of the marsh meadow on the southwest side of Christiana river, in New Castle County, to keep the banks, dams and sluices in good and sufficient order and repair,' " passed by the House of Assembly and sent for concurrence; which was, on motion, read and referred to Mr. Raymond and Mr. Alexander, to report thereon.

Mr. Raymond applied for leave of absence till Monday next, which was granted.

Adjourned to 3 o'clock this afternoon.

SATURDAY, January 14th, 1792, P. M.

Council assembled. Mr. Raymond absent.

Mr. Truitt, a member of Assembly, was admitted and presented to the Chair a petition, signed by Jonas Stedham, Job Harvey, Peter Jacquet, Sen., Jesse Jacquet, and Peter Jacquet, Jun., praying the Legislature to pass a supplementary act to an act entitled "An act to enable the owners and possessors of the marsh meadow on the southwest side of Christiana river, in New Castle County, to keep the banks, dams and sluices in good and sufficient order and repair," together with several papers relative thereto; which were, by order, read and referred to the committee this morning appointed on that business.

The committee appointed yesterday to confer with a committee of the House of Assembly, presented their report, which was, by order, read, and is as follows, viz:

The Joint Committee of both Houses, appointed to confer on the best mode of obtaining a statement of the public accounts of the State, as well as to devise a plan for having the books of the late Treasurer lodged with the present Treasurer, beg leave to report, as their opinion, that for effecting the above purposes a letter, addressed from the Speakers of both Houses, be sent to the Auditor of this State, requiring his immediate attendance, or, if sickness or other causes should prevent his personal attendance, then, in that case, a statement of the public accounts should be made out and forwarded by him, without loss of time, or furnish the Houses with his books. And as your committee have understood that the books of the late Treasurer are at this time in Philadelphia, they therefore are of opinion that the Speakers of the two Houses should, by letter, call on the executors of the late Treasurer, desiring that the books of the late Treasurer should be immediately obtained and lodged by them with the present Treasurer of the State.

Signed by the Committee of Council,

ARCHB'D ALEXANDER,
RHOADS SHANKLAND.

Signed by the Committee of the House of Assembly,

WM. McKENNAN,
JOS. BARKER.

On motion, the foregoing report was agreed to.

Mr. Hollingsworth, a member of Assembly, was admitted and presented the following proposed amendment to the report of the joint committee, viz:

IN THE HOUSE OF ASSEMBLY, A. M., Jan. 13th, 1792.

Resolved, That the Auditor of this State be requested and directed to make his immediate attendance before this House and show cause why he has not complied with the resolution entered into by this House at their last October session, and that the Sergeant-at-Arms be requested to wait on him with the above resolution, and in case of sickness, to forward his books and papers for the inspection of the Legislature forthwith.

And that the executors of the late State Treasurer be requested to deliver up, within six days after being notified, to

the present State Treasurer, all the books and papers of the said office, whole, entire, and undefaced, and that notice of this resolution be given to the said executors.

The House of Assembly propose the above as an amendment to the report of the joint committee of both Houses, to begin after "their opinion." *Dele* all the after clauses and insert the above.

Extract from the minutes.

For JAMES BOOTH,
F. MANY, C.

On motion, the foregoing resolution was read and unanimously rejected.

Ordered, That Mr. Alexander wait on the House of Assembly and return the said resolution and report of the joint committee; which he did accordingly.

Council adjourned to 10 o'clock on Monday.

MONDAY, January 16th, 1792, P. M.

Council assembled. Present as on Saturday morning.

Adjourned to 10 o'clock to-morrow.

TUESDAY, January 17th, 1792.

Council assembled. Present as yesterday.

The Speaker laid upon the table the following resolution of the House of Assembly, handed to him by Mr. McKennan, a member of that House:

IN THE HOUSE OF ASSEMBLY, January 17th, 1792.

Resolved, That the Sergeant-at-Arms be directed to put in order the office at the southeast corner of the State House to receive the books, &c., of the Auditor of Accounts of this State.

Extract from the minutes.

FRANCIS MANY, for

Sent for concurrence.

JAS. BOOTH, *C'k*.

On motion, the foregoing resolution was read and unanimously disagreed to.

On motion, the following resolution was entered into:

Resolved, That the Auditor of Accounts be desired to call on the Commissioners appointed by the Levy Court of Kent County for building a new Court House in Dover, in said county, and request them to put him in the possession of the office at the southeast corner of said Court House, appropriated to and for the sole use and accommodation of the General Assembly by a law passed at Dover the twenty-ninth day of January, one thousand seven hundred and ninety-one, and that the said office shall be used and occupied by the Auditor of Accounts, and in such other manner as shall hereafter be directed by the General Assembly.

Resolved, That the Auditor of Accounts be furnished with a copy of the foregoing resolution.

Ordered, That Mr. Shankland wait on the House of Assembly with the foregoing resolutions, for their concurrence; which he did accordingly.

A petition from Margaret North was presented and read, praying Council to concur with the House of Assembly in granting a sum of money which had been reported by the Auditor to be due to her.

Adjourned to 10 o'clock to-morrow.

WEDNESDAY, January 18th, 1792, A. M.

Council assembled. Present as yesterday.

On motion,

Ordered, That Mr. Alexander and Mr. Raymond be a committee to take into consideration the petition of Margaret North, which was presented and read yesterday, and to report thereon.

Adjourned to 10 o'clock to-morrow.

THURSDAY, January 19th, 1792, A. M.

Council assembled. Present as yesterday.

Mr. McKennan, a member of Assembly, was admitted and presented to the Chair a petition from the Trustees of the Poor of New Castle County and a bill entitled "A supplementary act to an act entitled 'An act for the better relief of the Poor,' passed the 29th day of January, 1791," passed by the House of Assembly and sent for concurrence. Which petition and bill were, on motion, read.

The committee appointed to bring in a bill to revive the act entitled "An act supplementary to the act entitled 'An act for the more easy and speedy recovery of small debts,' passed the 5th February, 1785," reported a bill entitled "An act for the more easy and speedy recovery of small debts," which was, on motion, read.

Agreeable to leave granted, Mr. Raymond laid on the table a bill entitled "An act to authorize Ann Ridgely and Nicholas Ridgely, executors of Charles Ridgely, Esquire, deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County;" which was, on motion, read.

On motion, the petition from the Trustees of the Poor of New Castle County, together with the bill entitled "A supplementary act to an act entitled 'An act for the better relief of the Poor,' passed the 29th day of January, 1791," was committed to Mr. Tilton, Mr. Alexander, and Mr. Raymond, to report thereon.

Adjourned to 3 o'clock this afternoon.

THURSDAY, January 19th, 1792, P. M.

Council assembled.

On motion, by special order, the bill entitled "An act for the more easy and speedy recovery of small debts," was read a second time by paragraphs, and passed Council.

Ordered, That Mr. Cooper wait on the House of Assembly with said bill for their concurrence.

Mr. Many, a member of Assembly, was admitted and presented to the Chair the following message from the President, together with the several letters and papers therein mentioned:

Gentlemen of the General Assembly:

The Secretary will lay before you a copy of additional treaties, index, and errata to complete the sets of the acts passed the first, second, and third sessions of Congress; also duly authenticated copies of "An act granting further time for making a return of the enumeration of the inhabitants in the District of South Carolina;" of "An act for the relief of David Cook and Thomas Campbell;" of "An act for making appropriations for the support of Government for the year 1792;" also a printed "Return of the enumeration of the inhabitants of the United States;" a letter from his Excellency, Charles Pinckney, Governor of the State of South Carolina, with a letter from the Secretary of that State, inclosing a list of books and papers belonging to the Delaware State, contained in a box in the said Secretary's office; a letter from the Honorable Thomas McKean and Edmund Phy-

sick, attorneys-in-fact of the Honorable John Penn and Jno. Penn of the kingdom of Great Britain, and late proprietors of the Counties of New Castle, Kent, and Sussex, informing that the said attorneys-in-fact are authorized to remit all alienation fines that were in arrears on the 2d day of September, 1775, and to make composition and agreement respecting the quit rents and other rents, issues, and profits, and the remaining alienation fines now due to the said proprietors, or either of them, according to circumstances, and proposing to sell to the Government all the estate, rights and titles of the said proprietors in and to this State.

The office of Treasurer of this State having become vacant by the death of John Gordon, the late Treasurer, I did, on the 5th day of December last, by and with the approbation of the Privy Council, constitute and appoint Francis Many, the Treasurer of this State, to hold and enjoy that office until the Legislature should take order in the premises.

Dover, January, 1792.

J. CLAYTON.

Council adjourned to 10 o'clock to-morrow.

FRIDAY, January 20th, 1792, A. M.

Council assembled. Present as yesterday.

Mr. McKennan, a member of the House of Assembly, was admitted and presented to the Chair the following resolution, which was, by order, read, viz:

IN THE HOUSE OF ASSEMBLY, January 20th, 1792.

Whereas it appears, by a report from the Auditor, that there are a number of balances which stand open in the public books, in old emissions of Continental money, therefore

Resolved, That the Auditor be directed to liquidate all such balances to specie value at the rate of one hundred for one

An extract from the minutes. FRANCIS MANY, *fo.*

Sent for concurrence. JAMES BOOTH, *Cl'k.*

The same member also delivered the following resolution :

IN THE HOUSE OF ASSEMBLY, January 20th, 1792.

Resolved, That the President of this State shall be requested to take such measures as he shall conceive most effectual for procuring sundry books and papers, the property of this State, as well as sundry books and papers, the property of Samuel Patterson, deceased, now in the State of South Carolina; and that the President draw an order on the State Treasurer for the necessary expenses for procuring the same.

An extract from the minutes. FRANCIS MANY, for
Sent for concurrence. JAMES BOOTH, *Cl'k*.

On motion, the last mentioned resolution was read, considered and agreed to.

On motion, the President's Message, together with the letters and papers therein mentioned, were read.

Adjourned to 3 o'clock this afternoon.

FRIDAY, January 20th, 1792, P. M.

Council assembled.

Mr. Rogers, a member of the House of Assembly, was admitted and presented to the Chair a bill entitled "An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle," passed by the House of Assembly and sent for concurrence. Which bill was, on motion, read.

On motion, by special order,

The bill entitled "An act to authorize Ann Ridgely and Nicholas Ridgely, the executors of Charles Ridgely, Esq., deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County," was read a second time by paragraphs and passed Council.

Mr. Alexander presented to the Chair a petition, signed by a number of the inhabitants of the Town of New Castle, praying leave to bring in a bill to enlarge the corporate powers of the Trustees of New Castle Commons; which was, on motion, read, and leave granted accordingly.

On motion, by special order,

The bill entitled "An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle," was read a second time by paragraphs and passed Council.

On motion to put in nomination persons to be balloted for, to-morrow morning, out of whom two are to be chosen as Privy Councillors to supply the vacancies of George Wilson and Manlove Emerson, Esquires, whose times have expired by rotation, the following nominations were made, viz: Mr. Cooper nominated Nathaniel Mitchell, Esq.; Mr. Raymond nominated George McCall; Mr. Tilton nominated George Monro; Mr. Alexander nominated Charles Nixon; Mr. Mitchell nominated Elijah Barratt.

Adjourned to 10 o'clock to-morrow.

SATURDAY, January 21st, 1792, A. M.

Council assembled.

Mr. Batson, a member of Assembly, was admitted and presented to the Chair a bill entitled "An act for enabling Elisha Dickerson to erect a mill-dam across the head of the waters of Indian River near a place called Rock Hole, in Indian River Hundred, and Sussex County, and for the condemnation of a small piece of fast land, on the south side of said waters, for the use of a grist and saw-mill, with a log yard," passed by the House of Assembly and sent for concurrence. Which was, on motion, read and referred to Mr. Tilton, Mr. Raymond, and Mr. Cooper, to report thereon.

Agreeable to leave granted yesterday, Mr. Alexander laid on the table a bill entitled "An act for enlarging the corporate powers of the Trustees of the New Castle Commons;" which was, on motion, read.

Mr. Robinson, a member of Assembly, was admitted and presented to the Chair a petition, signed by a number of the inhabitants of Campden, praying a law to prevent hogs from running at large, and a bill entitled "An act to prevent swine running at large in the village of Campden and certain bounds and limits therein prescribed," passed by the House of Assembly and sent for concurrence. Which petition and bill were, on motion, read.

A memorial, signed by the Sheriffs of New Castle and Kent Counties, praying leave to bring in a bill to increase the fees to Sheriffs, was laid on the table, and, on motion, read and referred to Mr. Alexander and Mr. Shankland, to report thereon.

On motion, by special order,

The bill entitled "An act for enlarging the corporate powers of the Trustees of the New Castle Commons," was read a second time by paragraphs, and passed Council.

Agreeable to the order of the day, Council proceeded to the election of two persons as Privy Councillors, to supply the vacancies occasioned by the expiration of the times of George Wilson and Manlove Emerson, Esquires, and the ballots being taken and cast up, it appears that Nathaniel Mitchell and George McCall, Esquires, were duly elected, and they were declared to be duly elected accordingly.

Adjourned to 10 o'clock on Monday next.

MONDAY, January 23d, 1792.

Council assembled. Present as on Saturday.

Ordered, That Mr. Raymond wait on the House of Assembly with the following papers, viz:

"An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle" concurred in by Council; "An act to authorize Ann Ridgely and Nicholas Ridgely, executors of Charles Ridgely, Esquire, deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County," passed by Council and sent for concurrence; "An act for enlarging the corporate powers of the Trustees of the New Castle Commons," passed by Council and sent for concurrence; and the resolution of the House of Assembly entered into the 20th instant, respecting the books and papers belonging to the State, now in South Carolina, concurred in by Council.

Which he did accordingly.

On motion,

Ordered, That Mr. Shankland and Mr. Alexander be a committee to take into consideration the bill entitled "An act to prevent swine running at large in the village of Campden, and certain bounds and limits therein prescribed," and to report thereon.

Mr. Evans, a member of the House of Assembly, was admitted and presented the following resolution, viz., which was read :

IN THE HOUSE OF ASSEMBLY, January 23d, 1792.

Resolved, That a Joint Committee of both Houses be appointed to take into consideration the condition of the finances of this State, and as far as can be the accounts and demands due to the same, and report to this General Assembly the most advisable means for bringing all monies and demands into the public Treasury.

The members on the part of this House, are Messrs. Truitt, Evans, and Batson.

Extract from the minutes.

FRANCIS MANY, for

Sent for concurrence.

JAMES BOOTH, *Cl'k*.

Adjourned to 10 o'clock to-morrow.

TUESDAY, 24th January, 1792, A. M.

Council assembled. Present as yesterday.

The committee to whom was referred the petition of Margaret North, presented the following report, which was read:

That from every information they have been able to collect, it is the opinion of your committee that Council should concur with the House of Assembly and agree to the Auditor's report, as made to the House of Assembly the 11th of January, 1791, and entered on the minutes of Council.

On motion, the report of the Auditor, dated the eleventh of January, one thousand seven hundred and ninety-one, as entered at large on the minutes of Council the twelfth day of January, one thousand seven hundred and ninety-one, allowing the sum of one hundred and twelve pounds six shillings and five pence to Margaret North, was read, considered, and concurred in.

On motion, the resolution of the House of Assembly appointing a joint committee to take into consideration the state of the finances of this State, presented yesterday, was read, considered, and agreed to.

The members appointed on the part of Council, are Mr. Tilton, Mr. Alexander, and Mr. Raymond.

Ordered, That Mr. Cooper wait on the House of Assembly and return them the above resolution and the report of the Auditor, concurred in by Council; which he did accordingly.

Adjourned to 10 o'clock to-morrow.

WEDNESDAY, January 25th, 1792, A. M.

Council assembled. Present as yesterday.

The committee to whom was referred the memorial of the Sheriffs of New Castle and Kent Counties, presented the following report, viz:

That as this State is now about to alter the present Constitution and form a new one, which is soon expected to take effect, and at which time it will be necessary for the Legislature to make many general regulations for the respective officers, it is therefore the opinion of your committee that Council should not at this time go into any partial regulation of the fees as established by the present existing laws of this State.

Which was, on motion, read and agreed to.

The committee to whom was referred the bill entitled "An act to prevent swine running at large in the village of Campden and certain bounds and limits therein prescribed," reported sundry amendments to said bill.

On motion, the said bill was read a second time, with the amendments proposed thereto by the committee.

Adjourned to 3 o'clock this afternoon.

WEDNESDAY, January 25th, 1792, P. M.

Council assembled.

On motion, the bill entitled "An act to prevent swine running at large in the village of Campden and certain bounds and limits therein prescribed," was read a third time by paragraphs, with the amendments proposed, and passed Council.

Ordered, That Mr. Cooper wait on the House of Assembly with said bill; which he did accordingly.

Mr. McKennan, a member of Assembly, was admitted and returned the bill entitled "An act for the more easy and speedy recovery of small debts," with eight amendments proposed thereto by the House of Assembly.

Adjourned to 10 o'clock to-morrow.

THURSDAY, 26th January, 1792.

Council assembled. Present as yesterday.

The committee to whom was referred the bill entitled "A supplementary act to the act entitled 'An act for the better Relief of the Poor,'" reported that the said act, as passed by the House of Assembly, should be rejected by Council, and, instead thereof, a bill entitled "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, the 29th day of January, 1791," which the committee now laid on the table, should be substituted.

On motion, the act reported by the committee was read.

On motion, the bill entitled "A supplementary act to the act entitled 'An act for the better Relief of the Poor,'" as passed by the House of Assembly, was read and unanimously rejected.

On motion, the bill entitled "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, the 29th day of January, 1791," as reported by the committee, was, by special order, read a second time by paragraphs, and passed Council.

Ordered, That Mr. Tilton wait on the House of Assembly with said bill, for their concurrence; which he did accordingly.

On motion, the resolution of the House of Assembly, presented the 20th inst., directing the Auditor to liquidate the balances due on the old emissions, was read, considered, and agreed to.

Ordered, That Mr. Tilton return the said resolution to the House of Assembly; which he did accordingly.

Adjourned to 10 o'clock to-morrow.

FRIDAY, January 27th, 1792, A. M.

Council assembled. Present as yesterday.

Mr. McKennan, a member of Assembly, was admitted and presented to the Chair an act entitled "An act to enable the owners and possessors of a certain tract of meadow ground, marsh and cripple, situate at the north end of the Town of New Castle, to repair, support and maintain the banks, dykes and sluices belonging to the same," passed by the House of Assembly and sent for concurrence, and a petition, signed by sundry persons, owners of marsh near the Town of New Castle.

On motion, the act entitled "An act for the more easy and speedy recovery of small debts," with the amendments proposed thereto by the House of Assembly, was read, and six of the said amendments were disagreed to, and an additional amendment proposed thereto by Council.

Ordered, That Mr. Cooper wait on the House of Assembly with said bill, and the amendment proposed thereto, for their concurrence; which he did accordingly.

The committee to whom was referred the bill entitled "An act to enable Elisha Dickerson to erect a mill-dam across the headwaters of Indian River," presented the following report, viz:

"That they are of opinion said bill may pass into a law, with such amendments as shall be thought proper by Council."

Which was, on motion, read and agreed to.

On motion of Mr. Tilton, seconded by Mr. Alexander, that the said bill be recommitted, it was determined in the negative.

Mr. McKennan, a member of Assembly, was admitted and presented to the Chair a memorial of William Frazer, in behalf of his son, William Clark Frazer, together with a bill entitled "An act to vest William Clark Frazer with certain parts of the estate of William Clark, deceased, which by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant."

On motion, the bill entitled "An act to enable Elisha Dickerson to erect a mill-dam across the headwaters of Indian River," was, by special order, taken up for a second reading, by paragraphs, and after some progress made therein, Council adjourned to 3 o'clock this afternoon.

FRIDAY, January 27th, 1792, P. M.

Council assembled, and, on motion, resumed the reading, by paragraphs, the bill entitled "An act to enable Elisha Dickerson to erect a mill-dam across the headwaters of Indian River."

On motion of Mr. Tilton, seconded by Mr. Alexander, to postpone the reading said bill till Council have further consideration of the same, it was determined in the negative.

Council then proceeded in the reading of said bill, and sundry amendments being proposed thereto and agreed to, passed Council.

Adjourned to 10 o'clock to-morrow.

SATURDAY, January 28th, 1792, A. M.

Council assembled. Present as yesterday, except Mr. Shankland.

Mr. Hollingsworth, a member of Assembly, was admitted and delivered the following papers, viz: A petition signed by James Delaplaine, with the following resolution:

IN THE HOUSE OF ASSEMBLY, 26th January, 1792, P. M.

Resolved, That James Delaplaine, late Collector of the State Tax of New Castle County, be allowed four per cent. for the col-

lection of the State tax for the year 1785, on the final settlement of his account with the Auditor.

Sent for concurrence.

FRANCIS MANY,

For JAMES BOOTH, *Cl'k*.

The same member also delivered the following report, viz:

We, the Joint Committee of both Houses of the General Assembly, appointed to take into consideration the state of the finances of the State, and the measures to be taken to bring the outstanding debts into the Treasury, beg leave to report:

That the Auditor lay a state of the finances before the General Assembly, specifying the several debtors and the sum or sums due from each of them, as near as can be ascertained. That a law be passed appointing a State Treasurer, vested with ample powers to recover, in the most speedy and summary manner, the sum or sums so reported due to the State. That he may attend the sale of lands or goods at the suit of the State; bid for or buy the same, and make sale thereof for the use of the State, always having regard to the interest of the State in his purchases or sales. That provision be made for bringing all monies from the different Loan Offices into the Treasury; and that no further loans of money be made on mortgage. That provision be made for appointing collectors for the different Hundreds in Sussex County for the tax laid in 1790, where they are not already appointed. That the Auditor, at all times when required, shall furnish the Treasurer with an account of any debtor or debtors' accounts as the same stand on the public books; and that the State Treasurer shall settle his accounts quarterly with the Auditor.

Signed on the part of Council,

NEHEMIAH TILTON,
JAMES RAYMOND,
ARCHB'D ALEXANDER.

Signed on the part of the House of Assembly,

THOS. EVANS,
GEORGE TRUITT,
JOHN W. BATSON.

Amendment proposed by the House of Assembly to the report

of the Joint Committee of both Houses: That the word "Treasurer" shall be erased, and "agent" put in the stead thereof, in the 5th line.

Sent for concurrence.

FRANCIS MANY,

Jan. 27th, 1792, A. M.

For JAS. BOOTH, *Cl'k*.

A memorial from Charles Pope, formerly Lieutenant Colonel of the troops of this State, with the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, January 28th, 1792.

Resolved, That Lt. Col. Charles Pope is entitled to the benefit of all that part of the act of Assembly of this State entitled "An act for calling out of circulation their quota of Continental money," so far as it respects the depreciation of the pay due to the officers and soldiers of the Delaware Regiment, and that the Auditor and the surviving Commissioner for settling the depreciation accounts be required to adjust and liquidate the depreciation of the pay of the said Charles Pope and issue their certificate or certificates for the same.

Sent for concurrence.

FRANCIS MANY,

For JAS. BOOTH, *Cl'k*.

Mr. Hollingsworth also returned the bill entitled "An act for the more easy and speedy recovery of small debts," with the amendments proposed by the House of Assembly, and disagreed to by Council, receded from, and the amendment proposed by Council disagreed to, and a further amendment proposed by the House of Assembly.

On motion, the said bill was read, and the amendment proposed by Council receded from, and the amendment proposed by the House of Assembly agreed to.

Ordered that the same be now engrossed.

On motion, the report of the joint committee appointed to take into consideration the state of the finances, was read and agreed to. The amendment proposed thereto by the House of Assembly was rejected.

Ordered, That Mr. Alexander wait on the House of Assembly and return said report; which he did accordingly.

Mr. Truitt, a member of Assembly, was admitted and presented to the Chair a bill entitled "An act for the better improvement of a tract or parcel of meadow, marsh and cripple, commonly called the Mill Creek Marshes, situated on St. Jones' River, in Kent County," passed by the House of Assembly and sent for concurrence.

Adjourned to 10 o'clock on Monday.

MONDAY, January 30th, 1792, A. M.

Council assembled. Present as on Saturday.

On motion, the bill entitled "An act to enable the owners and possessors of a certain tract of meadow ground, marsh and cripple, situate at the north end of the Town of New Castle, to repair, support and maintain the banks, dykes and sluices belonging to the same," was read.

On motion, the last mentioned bill, and the bill entitled "An act for the better improvement of a tract or parcel of meadow, marsh and cripple, commonly called the Mill Creek Marshes, situated on St. Jones' River, in Kent County," were referred to Mr. Tilton and Mr. Alexander, to report thereon.

Adjourned to 3 o'clock this afternoon.

MONDAY, January 30th, 1792, P. M.

Council assembled.

On motion, the memorial of Lt. Col. Charles Pope, together with the resolution of the House of Assembly on his case, dated the 28th instant, were read.

On motion,

Resolved, That Council do concur in the said resolution.

Ordered, That Mr. Raymond return said resolution to the House of Assembly, which was done accordingly.

On motion, the memorial of William Frazer, in behalf of his son, and the bill entitled "An act to vest certain parts of the estate of William Clark, deceased, which by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant," were read and referred to Mr. Alexander, Mr. Raymond, and Mr. Cooper, to report thereon.

On motion, the petition of James Delaplaine, with the resolution of the House of Assembly, dated the 26th inst., respecting a further allowance to him as Collector of the State Tax for 1785, were read and committed to Mr. Tilton and Mr. Cooper to report thereon.

Adjourned to 10 o'clock to-morrow.

TUESDAY, January 31st, 1792.

Council assembled. Present as yesterday.

Mr. McKennan, a member of Assembly, was admitted and presented a bill entitled "An additional supplement to an act entitled 'An act for the limitation of actions and proving accounts against the estates of persons dying within this State,'" passed by the House of Assembly and sent for concurrence. Which was, on motion, read.

Mr. Evans, a member of Assembly, was admitted and returned the bill entitled "A supplementary act to an act for the better Relief of the Poor," with twenty amendments proposed thereto by the House of Assembly, which, on motion, were read, and five of their proposed amendments disagreed to, one postponed, the remaining number agreed to, and an amendment proposed thereto by Council.

The committee to whom was referred the bill entitled "An act

to enable the owners and possessors of a certain tract of meadow ground, marsh and cripple, situate at the north end of the Town of New Castle, to repair, support and maintain the banks, dykes and sluices belonging to the same," reported sundry amendments thereto.

On motion, the said bill was, by special order, read a second time, by paragraphs, and sundry amendments being proposed and agreed to, passed Council.

Ordered, That Mr. Cooper wait on the House of Assembly with said bill, and the amendments proposed, for their concurrence; which he did accordingly.

Mr. Hollingsworth, a member of Assembly, was admitted and returned the report of the joint committee on the subject of finance, with the amendment proposed thereto by the House, and disagreed to by Council adhered to, and four additional amendments proposed thereto, which were, on motion, read.

Adjourned to 10 o'clock to-morrow.

WEDNESDAY, February 1st, 1792, A. M.

Council assembled. Present as yesterday.

Ordered, That Mr. Tilton wait on the House of Assembly and deliver them the following verbal message, for their concurrence, viz:

Gentlemen:

The Council propose to the honorable House of Assembly the meeting of the General Assembly, in the Council Chamber, at one o'clock this afternoon, in order to put in nomination persons out of whom shall be chosen a State Treasurer, to supply the vacancy occasioned by the death of John Gordon, Esquire; and also to put in nomination persons out of whom shall be chosen a Justice to supply the vacancy in the Court of Common Pleas

in the County of Sussex, occasioned by the death of Peter F. Wright, Esquire.

Mr. Tilton delivered the message accordingly.

Mr. Truitt, a member of Assembly, was admitted and returned the above message, concurred in by the House of Assembly.

Adjourned to 3 o'clock this afternoon.

WEDNESDAY, February 1st, 1792, P. M.

Council assembled.

Mr. Truitt, a member of Assembly, was admitted and delivered the following verbal message, which was read, viz:

IN THE HOUSE OF ASSEMBLY, P. M., February 1st, 1792.

Gentlemen:

The House of Assembly propose to the honorable Legislative Council that they will meet, in the Council Chamber, in five minutes, in order to put in nomination persons out of whom shall be chosen a State Treasurer, to supply the vacancy occasioned by the death of John Gordon, Esquire; and also to put in nomination persons out of whom shall be chosen a Justice to supply the vacancy in the Court of Common Pleas in the County of Sussex, occasioned by the death of Peter F. Wright, Esquire.

The General Assembly met in Council Chamber.

The verbal message sent this morning by Council to the House of Assembly, and concurred in by that House, was, by order, read.

On motion of Mr. Many, seconded by Mr. Barratt, that as the President or Commander-in-Chief is not present, the two Houses do now separate, it was determined in the negative.

On motion of Mr. Truitt, seconded by Mr. Batson, that the General Assembly do now proceed to nominate persons out of

whom shall be chosen a State Treasurer, to supply the vacancy occasioned by the death of John Gordon, Esquire, it was determined in the affirmative.

The General Assembly proceeded accordingly, and the following persons were nominated, viz:

Mr. Draper nominated Robert Clark, Esquire; Mr. McLane nominated Francis Many, Esquire; Mr. Oliver nominated Nicholas Ridgely, Esquire; Mr. Alexander nominated John Stockton, Esquire.

On motion of Mr. Batson, seconded by Mr. Truitt, that the General Assembly do now proceed to nominate persons out of whom shall be chosen Justices to supply the vacancies in the Court of Common Pleas in Sussex County, it was determined in the affirmative.

The General Assembly proceeded accordingly, and the following persons were nominated:

Mr. Tilton nominated Peter Robinson, Esquire, 2d Justice; Mr. Batson nominated Charles Polk, Esquire, 3d Justice; Mr. Batson nominated Isaac Cooper, Esquire, 4th Justice.

On motion,

Resolved, That the two Houses now separate, and meet, in the Council Chamber, in one hour, in order to elect, by ballot, persons, from those in nomination, as State Treasurer and Justices of the Court of Common Pleas for the County of Sussex.

The Houses separated accordingly.

The General Assembly met, in the Council Chamber, and, on motion, proceeded, by joint ballot, to the election of a State Treasurer, to supply the vacancy occasioned by the death of John Gordon, Esquire, and the ballots being taken and examined, it appeared that Robert Clark, Esquire, was duly elected, and he was declared duly elected State Treasurer accordingly.

On motion of Mr. Batson, seconded by Mr. Cannon, that the General Assembly do now proceed to elect persons, by ballot, out of those in nomination, as Justices to supply the vacancies in the Court of Common Pleas in the County of Sussex, it was determined in the negative.

On motion of Mr. Batson, seconded by Mr. McKennan, that the consideration of the last question be resumed, it was determined in the affirmative.

On motion of Mr. Batson, seconded by Mr. Cannon, that the General Assembly do now proceed to elect persons, by ballot, out of those in nomination as Justices to supply the vacancies in the Court of Common Pleas in the County of Sussex, it was determined in the affirmative.

The Speaker of the House of Assembly requested leave to retire, as he considered it unconstitutional to go into such appointment in the absence of the President. Leave was granted and he retired accordingly.

On motion of Mr. Barratt, seconded by Mr. Barker, that the yeas and nays be taken on the question to elect persons, by ballot, as Justices in the Court of Common Pleas in Sussex County, it was determined in the affirmative. They were taken accordingly, and are as follows:

Yeas—Mr. Alexander, Mr. Tilton, Mr. Maxwell, Mr. Robinson, Mr. Reynolds, Mr. McKennan, Mr. Hayes, Mr. Batson, Mr. Draper, Mr. Jeremiah Cannon, Mr. Wingate Cannon, Mr. Cooper.

Nays—Mr. Raymond, Mr. Evans, Mr. Collins, Mr. Hollingsworth, Mr. Truitt, Mr. Barratt, Mr. Many, Mr. Lewis, Mr. Barker, Mr. Oliver.

On motion of Mr. Tilton, seconded by Mr. Cannon, that the Speaker of the House of Assembly having retired, shall this General Assembly proceed to elect persons out of those in nomination as Justices to supply the vacancies in the Court of Common Pleas in the County of Sussex? it was determined in the negative.

On motion of Mr. Evans, seconded by Mr. Barker, that the Clerk of the House of Assembly be directed to request the Speaker of that House to resume his seat, it was determined in the affirmative.

The Clerk reported, from the Speaker, that he would resume the Chair for the purpose of the Houses to separate, but, as leave was granted him to retire, he did not choose to resume for any other purpose.

On motion of Mr. Evans, seconded by Mr. McKennan, that Mr. Robinson do now take the Chair of the Speaker of the House of Assembly, as Speaker of that House *pro tempore*, it was determined in the affirmative, and Mr. Robinson was placed in the Chair accordingly.

The General Assembly then proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancies in the Court of Common Pleas in Sussex County, and the ballots being taken and examined, it appeared that Peter Robinson, Esquire, was duly elected second Justice; Charles Polk, Esquire, was duly elected third Justice, and Isaac Cooper, Esquire, was duly elected fourth Justice, and they were declared duly elected accordingly.

Then the two Houses separated, and Council adjourned to 10 o'clock to-morrow.

THURSDAY, February 2d, 1792, A. M.

Council assembled. Present as yesterday.

On motion, the report of the joint committee on the subject of finance, together with the amendments proposed thereto by the House of Assembly, were read, and the proposed amendments disagreed to.

On motion,

Resolved, That Mr. Tilton and Mr. Cooper be a committee to prepare and bring in a bill agreeable to the tenor of the report of the joint committee on the subject of finance.

On motion, the amendments proposed by the House of Assembly to the bill entitled "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, the 29th day of January, 1791," which had been postponed by Council, were read, and the four first lines thereof rejected, the remainder agreed to.

Ordered, That Mr. Raymond return the said bill, with the

amendments, as acted on by Council, and the report of the joint committee on the subject of finance, with the amendments proposed disagreed to, to the House of Assembly; which he did accordingly.

Adjourned to 3 o'clock this afternoon.

THURSDAY, February 2d, 1792, P. M.

Council assembled.

The committee to whom was referred the bill entitled "An act to vest certain parts of the estate of William Clark, deceased, which by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant," reported an amendment thereto.

On motion, the said bill was, by special order, read a second time by paragraphs, and an amendment being proposed thereto and agreed to, passed Council.

Ordered, That Mr. Cooper wait on the House of Assembly with said bill, as amended, for their concurrence; which he did accordingly.

Mr. McKennan, a member of Assembly, was admitted and presented to the Chair a bill entitled "An additional supplement to the additional supplement to the supplement of an act entitled 'An act to prevent the exportation of slaves, and for other purposes,' " passed by the House of Assembly and sent for concurrence. Which was, on motion, read.

On motion, the bill entitled "An additional supplement to an act entitled 'An act for the limitation of actions and proving accounts against the estate of persons dying within this State,' " was committed to Mr. Raymond and Mr. Alexander, to report thereon.

Mr. Evans, a member of Assembly, was admitted and delivered a report from the Auditor, dated January 25th, 1792, con-

taining a circumstantial account of the finances of this State; which was, on motion, read, and ordered to lie on the table.

Council adjourned to 10 o'clock to-morrow.

FRIDAY, February 3d, 1792, A. M.

Council assembled. Present as yesterday.

Mr. Lewis, a member of Assembly, was admitted and returned the bill entitled "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, 29th January, 1791," thus acted on:

IN THE HOUSE OF ASSEMBLY, A. M., February 3, 1792.

The amendments not agreed to by Council receded from by this House, and the amendment proposed thereto by Council agreed to.

For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

On motion, ordered that said bill be now engrossed.

Mr. Robinson, a member of Assembly, was admitted and delivered the following reports from the Auditor, agreed to by that House, viz:

The Auditor of Accounts having, as State Commissioner, transmitted to the office of the Commissioner of Army Accounts of the United States the accounts of sundry officers employed in the recruiting service during the late war, has received from the said office statements of several of their accounts, none of which are in a condition to be acted upon, except Captain Peter Jacquet's, which is sent herewith, and thereupon he begs leave to make the following report:

That, charging Capt. Peter Jacquet with the money
he received from Col. Hall in January, 1777, . . . \$ 260 00

Also with money he received from Geo. Read, Esq., in May, 1777, ...	\$ 780 00
And with the specie value of \$1,000 he received from Col. Hall in June, 1778, ...	354 80
There remains due to him, in specie, the sum of £153 : 18 : 4, equal to	410 40
	\$1,805 30

Equal to the credit given this State by the United States.

Dover, January 26th, 1792.

ELEAZER McCOMB.

The Auditor of Accounts, to whom was referred two petitions of George Evans, of New Castle County, begs leave to report:

With respect to the first petition, dated January 2d, 1792, that at the time allowances were made to the lieutenants and sub-lieutenants of Kent and Sussex Counties, it was alleged, by one or more of the members of the General Assembly from New Castle County, that those officers for that county would not exhibit any charge for their service, but would be contented with the Militia fines they had received, or were to receive, under the law. This the Auditor took for granted, as no account appeared of any money paid by them, on account of fines, to the State Treasurer; and although the declaration of these gentlemen doth not preclude the demand, the Auditor is of opinion that no allowance whatever ought to be made to the lieutenant or sub-lieutenants of New Castle County for their services until the Militia fines received by them are duly accounted for.

With respect to the second petition, dated January 4th, 1792, the Auditor is of opinion, that as Francis Wade was an officer of the United States, and not accountable to this State for his conduct in the transaction of his business, any just demand which Mr. Evans may have against him, as an officer of the United States, should be exhibited to Congress.

The Auditor begs leave further to mention that the said Geo. Evans, acting as Commissary under the appointment and orders of the President and Privy Council of this State, sold and disposed of a number of cattle, &c., to a considerable amount, in the month of November, 1777, of the sales of which no account hath yet been rendered; but a list of outstanding debts, amount-

ing to £693 : 14 : 9, hath been returned by him into the Auditor's office, and, by his own confession, there remains in his hands upwards of one thousand pounds, of Continental money, received on account of said property sold.

The Auditor, having heretofore called upon Mr. Evans, by summons, to appear in his office and settle his accounts, on his neglecting so to do, caused a suit to be instituted against him in the Court of Common Pleas of New Castle County, which is still depending; and the Auditor is of opinion that Mr. Evans ought to collect the debts he has returned outstanding and account for what he has received, or may receive, and what may have been lost through his neglect.

Dover, January 19th, 1792.

ELEAZER McCOMB.

The Auditor of Accounts begs leave to report that there is due:

To James Adams, for printing the Votes and Proceedings of the House of Assembly at the sessions of January, 1791, 14 sheets, @ 28s., . . .	£19 12 0	
And for printing the Votes and Proceedings of the sessions of October, 1791, 3½ sheets, @ 28s., ...	4 18 0	
		£24 10 0
To Frederick Craig & Co., for printing the Laws of the January session, containing 9½ sheets, @ 30s., ...		14 5 0
To Brynberg & Andrews, for publishing in the Delaware Gazette the resolutions of the General Assembly respecting a convention, ...	£ 1 10 0	
For printing the Votes and Proceedings of the House of Assembly at the sessions of September, 1791, 3 sheets, @ 28s., ...	4 4 0	
And for printing the Laws passed at the session of October, 1791, 1½ sheets, @ 30s., ...	2 5 0	
		7 19 0
		£46 14 0

Dover, January 24th, 1792.

ELEAZER McCOMB.

The Auditor of Accounts begs leave to report that there is due:

To James Adams, for printing the Votes and Proceedings of the House of Assembly at the session of January, 1791, containing 14 sheets, @ 28s., ...	£ 19 12 0	
And for printing the Votes and Proceedings of the session of October, 1791, 3½ sheets, @ 28s., ...	4 18 0	£24 10 0
To Frederick Craig & Co., for printing the Laws of the January session, 1791, containing 9½ sheets, @ 30s., ...		14 5 0
To Brynberg & Andrews, for printing the Votes and Proceedings of the House of Assembly at the session of September, 1791, 3 sheets, @ 28s., ...	£ 4 4 0	
And for printing the Laws passed at the session of Oct., 1791, 1½ sheets @ 30s., ...	2 5 0	6 9 0
		£45 4 0

Dover, January 24th, 1792.

ELEAZER McCOMB.

Mr. Robinson also delivered a paper containing as follows, viz:

IN THE HOUSE OF ASSEMBLY, A. M., February 3d, 1792.

The several reports of the Auditor, sent herewith, are agreed to, and sent to Council for concurrence.

For JAMES BOOTH, Cl'k,
FRANCIS MANY.

On motion, the Auditor's reports were read and committed to Mr. Raymond and Mr. Alexander, to report thereon.

On motion, the bill entitled "An additional supplement to the additional supplement to the supplement of an act entitled 'An act to prevent the exportation of slaves, and for other purposes,'" was committed to Mr. Cooper and Mr. Raymond, to report thereon.

Council adjourned to 3 o'clock this afternoon.

FRIDAY, February 3d, 1792, P. M.

Council assembled.

Mr. Cooper, one of the committee to whom was referred the bill entitled "An additional supplement to the additional supplement to the supplement of an act entitled 'An act to prevent the exportation of slaves,' " requested to be excused from reporting on said bill, and asked leave to lay the same on the table. Leave was granted him accordingly.

Mr. Barker, a member of Assembly, was admitted and delivered the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, A. M., February 3d, 1792.

Resolved, That the Commissioners of the Court House in the Town of Dover shall be allowed to draw upon the State Treasurer for the sum of five hundred and fifty pounds, out of the monies that shall come into his hands of the arrearage taxes, for the use of the said Court House, to finish the rooms appropriated for the use of the General Assembly of this State by law.

Sent for concurrence.

For JAMES BOOTH, *Cl'k*,

FRANCIS MANY.

Which, on motion, was read.

The committee to whom was referred the Auditor's reports, presented their report, which was agreed to.

On motion, the Auditor's report respecting the claim of Geo. Evans, dated the 19th January, 1792; his report respecting the sum due to Capt. Peter Jacquet, dated 26th January, 1792, and his report respecting the sums due to the printers, amounting to £45 : 4 : 0, dated the 24th January, 1792, was read, considered and agreed to.

On motion, the Auditor's report respecting the sums due to the printers, amounting to £46 : 14 : 0, dated the 24th January, 1792, was read and rejected.

On motion, the bill entitled "An additional supplement to the additional supplement to the supplement of an act entitled 'An

act to prevent the exportation of slaves, and for other purposes,' " was read a second time.

Mr. McKennan, a member of Assembly, was admitted and delivered the following resolution:

IN THE HOUSE OF ASSEMBLY, February 3d, 1792.

Resolved, That it is the intention of this House to conclude the present session to-morrow evening.

For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

Which, by order, was read.

Mr. Draper, a member of the House of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, February 3d, 1792.

Resolved, That the incidental expenses of the Convention of this State that have or may accrue, which are not provided for by the resolution of September last, be now provided for, and that the President of said Convention be empowered to draw upon the State Treasurer an order or orders for the discharge of such expenses, at such time or times as he shall conceive necessary, so that such order or orders be approved of by said Convention.

Extract from the minutes.
Sent for concurrence.

For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

Which was, on motion, read.

A petition, signed by sundry inhabitants of New Castle County, and the following petition and address of Warner Mifflin, was presented to the Chair, and, by order, read, viz:*

The committee to whom was referred the report of the joint committee on the subject of finance, reported a bill entitled "An act for expediting the collection of arrearage taxes, and for other purposes;" which was, on motion, read.

On motion, by special order, the said bill was read a second time by paragraphs and passed Council.

* Not recorded.

Ordered, That Mr. Alexander wait on the House of Assembly and deliver said bill for their concurrence, and return the Auditor's report, as acted upon by Council; which he did accordingly.

Adjourned to 10 o'clock to-morrow.

SATURDAY, February 4th, 1792, A. M.

Council assembled. Present as yesterday.

The committee to whom was referred the bill entitled "An additional supplement to an act entitled 'An act for the limitation of actions and proving accounts against the estates of persons dying within this State,' " reported said bill with sundry amendments.

On motion, said bill was read a second time, by special order, by paragraphs, and sundry amendments being proposed and agreed to, passed Council.

Ordered, That Mr. Raymond wait on the House of Assembly with said bill and proposed amendments, for their concurrence; which he did accordingly.

Mr. Truitt, a member of Assembly, was admitted and returned an act entitled "An act to authorize Ann Ridgely and Nicholas Ridgely, the executors of Charles Ridgely, Esq., deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County," concurred in and passed by the House of Assembly.

Ordered that the said bill be now engrossed.

On motion, the resolution of the House of Assembly, appropriating the sum of £550 to the use of the Court House in Dover, was read and disagreed to.

Ordered, That Mr. Cooper wait on the House of Assembly and return said resolution; which he did accordingly.

Adjourned to 3 o'clock this afternoon.

SATURDAY, February 4th, 1792, P. M.

Council assembled.

Mr. Batson, a member of Assembly, was admitted and returned the bill entitled "An act for expediting the collection of arrearage taxes, and other purposes," concurred in and passed by the House of Assembly,

Ordered that said bill be now engrossed.

Mr. McKennan, a member of Assembly, was admitted and delivered a bill entitled "An act for the appropriation of the sum of five hundred and fifty pounds toward finishing the chambers in the Court House of Kent County, for the use of the Legislature, and for other purposes," passed by the House of Assembly and sent for concurrence. Which was, on motion, read.

Mr. McKennan also delivered the following report from the Auditor, which was agreed to by the House of Assembly and sent for concurrence, viz:

The Auditor of Accounts begs leave to report: That Andrew Barratt, Esq., late High Sheriff of Kent County, hath exhibited an account—

For attending the High Court of Errors and Appeals, 14 days, at different sessions, from October, 1788, to June, 1791, inclusive, at 7 : 6 per diem, .	£	5	5	0	
Summoning the members of the General Assembly for Kent County, in June, 1789, and Sept., 1791, .		5	0	0	
And for serving 10 summonses, issued by the Auditor in behalf of the State, in 1789, ...		2	10	0	
		£	12	15	0

Which the Auditor is of opinion ought to be allowed and passed to the credit of his account.

ELEAZER McCOMB.

Dover, February 3d, 1792.

"In the House of Assembly, 4th February, 1792: Agreed to."

For JAMES BOOTH, *Cl'k*,
F. MANY.

On motion, the foregoing report was read, considered and agreed to.

Mr. Truitt, a member of Assembly, was admitted and delivered the following report from the Auditor, viz:

The Auditor of Accounts, to whom was referred an account exhibited by the executors of John Gordon, Esquire, deceased, having considered the same, begs leave to report: That there is due to his estate, for public services and expenses incurred by him in the execution of the laws, for which his account ought to be credited, the following sums, viz:

For sending David Harper to Sussex County to attend the sales of George Bacon's land, ...	£	1	2	6
29 days attendance at the sales of property belonging to sundry delinquent collectors of Sussex County, at different times, including expenses, at 25s., . . .		36	5	0
Expenses of printing advertisements and trouble of setting them up, ...		0	17	6
The same expense and trouble a second time, . . .		0	17	6
A deed of conveyance and acknowledging it, ...		0	18	9
Expenses of advertising, ...		0	7	6
Attending the Trustee of the Loan Office of Kent County, receiving and counting Continental money from Kent and Sussex Counties, and funding the same, together with sundry certificates, ...		1	10	0
Expenses of printing Treasury notes, ...		3	0	0
Issuing Treasury notes for £5248 : 9 : 8, at 10s. per hundred pounds, ...		26	4	9
		£	71	3 6

Dover, February 2d, 1792.

ELEAZER McCOMB.

"In the House of Assembly, 4th February, 1792: Agreed to."

Sent for concurrence.

For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

On motion, the foregoing report was read, considered, and agreed to.

Mr. McKennan, a member of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, February 4th, 1792.

Resolved, That Joseph Taylor, late Collector of the State Tax of Kent County, be allowed four per cent. for the collection of the State tax for the year 1785, on the final settlement of his accounts with the Auditor.

A true extract from the minutes.

For JAMES BOOTH, *Cl'k*.

F. MANY.

On motion, the foregoing resolution was read, considered and agreed to.

On motion, the resolution of the House of Assembly, allowing James Delaplaine four per cent. for the collection of the State Tax or 1785, presented to Council for concurrence the 28th January, was read, considered, and agreed to.

On motion, the bill entitled "An act for the appropriation of the sum of five hundred and fifty pounds toward finishing the chambers in the Court House of Kent County, for the use of the Legislature, and for other purposes," was read a second time.

On motion to postpone said bill, it was determined in the affirmative.

Mr. McKennan, a member of the House of Assembly, was admitted and presented the following resolution, together with the bills therein mentioned, signed by the Speaker of the House of Assembly, viz:

IN THE HOUSE OF ASSEMBLY, A. M., February 4th, 1792.

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following acts:

1. "An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle;"

2. "An act for enlarging the corporate powers of the Trustees of the New Castle Commons;"

3. "An act to enable the owners and possessors of a certain

tract of meadow ground, marsh and cripple, situate at the north end of the Town of New Castle, to repair, support and maintain the banks, dykes and sluices belonging to the same;”

4. “An act for enabling Elisha Dickerson to erect a mill-dam across the head of the waters of Indian River, near a place called Rock Hole, in Indian River Hundred and Sussex County, and for the condemnation of a small piece of fast land, on the south side of said waters, for the use of a grist and saw-mill, with a log yard;”

5. “An act to vest certain parts of the estate of William Clark, deceased, which by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant;”

6. “An act to prevent swine running at large in the village of Camden and certain bounds and limits therein prescribed;”

7. “An additional supplement to an act for the limitation of actions and proving accounts against the estate of persons dying within this State.”

Ordered, That Mr. McKennan deliver to Council a copy of the above resolution, for their concurrence, and also the bills therein mentioned, in order that they may be signed by the Speaker of that House.

For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

On motion,

Ordered, That the above mentioned bills be now signed by the Speaker of Council; which was done accordingly.

On motion,

Ordered, That the Speaker do now sign the following engrossed bills; which he did accordingly, viz:

1. “An act for the more easy and speedy recovery of small debts;”

2. “A supplementary act to an act entitled ‘An act for the better Relief of the Poor,’ passed at Dover, the twenty-ninth day of January, one thousand seven hundred and ninety-one;”

3. "An act to authorize Ann Ridgely and Nicholas Ridgely, the executors of Charles Ridgely, Esq., deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County;"

4. "An act for expediting the collection of arrearage taxes, and other purposes."

Ordered, That Mr. Alexander wait on the House of Assembly and deliver the above mentioned bills, in order that they may be signed by the Speaker of that House; which he did accordingly.

Council made the following allowances:

To the Honorable George Mitchell, Esq., Speaker, for 30 days' attendance and mileage, ...	£ 29 10 0
To Nehemiah Tilton, Esq., for 35 days' attendance and mileage, ...	23 10 0
To Archibald Alexander, Esq., for 28 days' attend- ance and mileage, ...	19 1 0
To James Raymond, Esq., for 28 days' attendance and mileage, ...	17 7 0
To Isaac Cooper, Esq., for 30 days' attendance and mileage, ...	20 10 0
To Rhoads Shankland, Esq., for 21 days' attend- ance and mileage, ...	14 17 0
To Charles Nixon, for 28 days' attendance and en- grossing, ...	29 1 0
To Thomas Wild, for 32 days' attendance and charge of firewood, candles, &c., ...	24 3 1
To John Clayton and George Cummins, Esquires, executors of John Gordon, Esq., for sundries furnished by him for the use of Council Cham- ber, ...	10 6 4½
	£188 5 11½

On motion,

Resolved, That orders be drawn on the State Treasurer, and signed by the Speaker, for the above sums.

Whereupon orders were drawn and signed accordingly.

Adjourned to the 20th October next.



VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

SPECIAL SESSION, MAY, 1792.

TUESDAY, May the 1st, 1792.

Council assembled. A quorum not attending, adjourned to Wednesday, the 2d May, 1792, A. M.

WEDNESDAY, the 2d May, 1792, A. M.

Council assembled. Present, the Honorable George Mitchell, Esq., Speaker ; Mr. Tilton, Mr. Raymond, Mr. Shankland, and Mr. Cooper.

Council adjourned to 3 o'clock this afternoon.

WEDNESDAY, the 2d May, 1792, P. M.

Council assembled.

On motion, *Ordered*, That Mr. Raymond wait on the House of Assembly with the following engrossed bills passed the last session, together with the originals, for the reëxamination and

inspection of that House previous to entering into a resolution for affixing the Great Seal to said bills, viz:

1. "An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle;"

2. "An act for enabling Elisha Dickerson to erect a mill-dam across the head of the waters of Indian River, near a place called Rock Hole, in Indian River Hundred and Sussex County, and for the condemnation of a small piece of fast land, on the south side of said waters, for the use of a grist and saw-mill, with a log yard;"

3. "An act to vest certain parts of the estate of William Clark, deceased, which by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant;"

4. "An act to prevent swine running at large in the village of Camden, and certain bounds and limits therein prescribed;"

5. "An additional supplement to an act entitled 'An act for the limitation of actions and proving accounts against the estates of persons dying within this State.'"

Mr. Raymond delivered the above mentioned bills, together with their originals, agreeable to order.

Mr. Barratt, a member of the House of Assembly, was admitted and presented the following resolution, which was, on motion, read:

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
WEDNESDAY, May 2, 1792.

On motion of Mr. Evans, seconded by Mr. Oliver,

Resolved, That this House will not take up or act on any new business but what is absolutely necessary, and will adopt the most speedy measures for completing the business of the last session of the General Assembly, and that Council be furnished with a copy of this resolution.

Extract from the minutes.

JAMES BOOTH, *Cl'k of Assembly*.

On motion,

Ordered, That Mr. Tilton, Mr. Raymond, and Mr. Cooper be a committee to prepare and bring in a bill appropriating the surplusage of interest over and above the sums necessary to pay off the interest on the loans made to the United States on the assumed debt of this State.

Council adjourned to 9 o'clock to-morrow.

THURSDAY, May 3d, 1792, A. M.

Council assembled. Present as yesterday, and Mr. Alexander, who attended and took his seat.

Mr. Maxwell, a member of the House of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
THURSDAY, A. M., May 3, 1792.

On motion of Mr. Evans, seconded by Mr. McKennan,

Resolved, That this House now adjourn to three o'clock in the afternoon, to meet at the house of Thomas Hale, at Duck Creek Cross Roads, and there sit for the transaction of the public business.

Extract from the minutes.

JAS. BOOTH,

Sent for concurrence.

Cl'k of Assembly.

On motion, the above resolution was read, considered and agreed to.

Ordered, That Mr. Alexander wait on the House of Assembly and return the said resolution; which he did accordingly.

Council adjourned to 3 o'clock this afternoon, to meet at the house of Thomas Hale, at Duck Creek Cross-Roads.

DUCK CREEK CROSS-ROADS,
AT THE HOUSE OF THOMAS HALE,
THURSDAY, 3d May, 1792, P. M.

Council assembled.

The Speaker laid on the table a bill entitled "An act continuing in force an act for the amending and continuing the provisions made in the act entitled 'An act for auditing and arranging the accounts of this State, and for the more effectual settlement of the same,'" which was, on motion, read and referred to Mr. Cooper and Mr. Alexander, to report thereon.

Adjourned to 9 o'clock to-morrow morning.

FRIDAY, May 4th, 1792, A. M.

Council assembled. Present as yesterday.

The committee to whom was referred the bill entitled "An act continuing in force an act for the amending and continuing the provisions made in the act entitled 'An act for auditing and arranging the accounts of this State, and for the more effectual settlement of the same,'" reported said bill, and are of opinion it should be passed into a law.

On motion, by special order, said bill was read a second time by paragraphs and passed Council.

Ordered, That Mr. Shankland wait on the House of Assembly with said bill, for their concurrence; which he did accordingly.

The committee appointed on the second instant, reported a bill entitled "An act to appropriate the interest money arising from the unsubscribed part of the assumed debt of this State," which was, on motion, read.

On motion, by special order, the above mentioned bill was read a second time by paragraphs and passed Council.

Ordered, That Mr. Cooper wait on the House of Assembly with said bill, for their concurrence; which he did accordingly.

Adjourned to 3 o'clock this afternoon.

FRIDAY, May 4th, 1792, P. M.

Council assembled.

Mr. McKennan, a member of Assembly, was admitted and presented the following report of the committee of the House of Assembly, with the following resolution of that House, and the engrossed bills therein specified, viz:

The committee to compare the several engrossed bills passed at the last sitting of the General Assembly, and to which the Great Seal hath not been affixed, report that they have carefully performed the service committed to them, and now deliver to the House the said engrossed bills, which are accurately conformed to the original draughts.

W. McKENNAN,
WINGATE CANNON.

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
FRIDAY, A. M., May 4th, 1792.

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following acts passed during the last sitting of the General Assembly, to wit:

1. "An act for enabling Elisha Dickerson to erect a mill-dam across the head of the waters of Indian River, near a place called Rock Hole, in Indian River Hundred, Sussex County, and for the condemnation of a small piece of fast land, on the south side of said waters, for the use of a grist and saw-mill, with a log yard;"

2. "An act to authorize Ann Ridgely and Nicholas Ridgely, executors of Charles Ridgely, Esquire, deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County;"

3. "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, the twenty-ninth day of January, one thousand seven hundred and ninety-one;"

4. "An act to enlarge the corporate powers of the Trustees of the New Castle Commons;"

5. "An act to enable the owners and possessors of a certain tract of meadow ground, marsh and cripple, situate at the north end of the Town of New Castle, to repair, support and maintain the banks, dykes and sluices belonging to the same;"

6. "An act for expediting the collection of arrearage taxes, and for other purposes;"

7. "An act to vest certain parts of the estate of William Clark, deceased, which, by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant;"

8. "An act to prevent swine running at large in the village of Camden, and certain bounds and limits therein prescribed;"

9. "An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle;"

10. "An additional supplement to an act entitled 'An act for the limitation of actions and proving accounts against the estates of persons dying within this State;'"

11. "An act for the more easy and speedy recovery of small debts."

Extract from the minutes.

Sent for concurrence.

JAS. BOOTH,

Cl'k of Assembly.

On motion, the foregoing resolution was read, considered and concurred in.

Ordered, That Mr. Raymond wait on the House of Assembly and return the said resolution, concurred in, together with the engrossed bills therein mentioned; which he did accordingly.

On motion,

Resolved, That Mr. Shankland and Mr. Tilton be a committee to wait on his Excellency, the President, to know his reasons for not commissioning the person chosen the last sitting of the General Assembly as fourth Justice of the Court of Common Pleas for the County of Sussex.

The committee returned and reported that they had waited on his Excellency, the President, and he informed them that he had not had official information of the appointment of a Justice at the last session, and requested a copy of the proceedings of the General Assembly on that occasion, that he would then give his reasons in writing.

Ordered, That the Secretary furnish him with said copy; which he did accordingly.

On recurring to the minutes of Council at the meeting of the General Assembly, in Council Chamber, the first day of February last, it appears that Mr. Cooper's name was not entered in the yeas and nays, which was ordered by the Council the morning following, but omitted, and as Mr. Cooper was present at the time the question was taken, his name was, by his own request and order of Council, inserted as yea.

Mr. McKennan, a member of Assembly, was admitted and presented the following resolution of that House, which was, by order, read, viz:

IN THE HOUSE OF ASSEMBLY,

FRIDAY, P. M., May 4th, 1792.

WHEREAS John Clayton, who declared he spoke the sentiments of the people of Kent County, hath, as one of the Commissioners for completing the Court House in Dover, insulted the Legislature of this State by denying them the use of the chambers heretofore occupied by the General Assembly for holding their sessions, requiring them to be delivered up for the use of workmen employed about the building, in consequence of which both Houses have adjourned the sessions to Duck Creek Cross-Roads; therefore

Resolved unanimously, That, in the opinion of this General Assembly, the Legislature of this State ought not to be subject to the caprice of any individual in the State, and that it will not be proper for them to hold their sessions in the Town of Dover until the Levy Court of Kent County, or some other proper authority, shall, by an explicit act, appropriate to their use the chambers in the said Court House, agreeable to the intention of the Legislature heretofore expressed.

Ordered, That the above resolution be sent to the Council, for their consideration and concurrence.

Extract from the minutes.

JAS. BOOTH, *Cl'k of Assembly*.

Mr. Maxwell, a member of Assembly, was admitted and presented the following message from his Excellency, the President, together with the inclosures therein mentioned, which was, by order, read, viz:

Gentlemen of the General Assembly:

A majority of the Legislative Council of this State having represented to me that a meeting of the Legislature would be of great public utility, and requested that the General Assembly should be convened on the first day of the present month, I did, therefore, on the eighteenth day of April last, issue writs of summons for that purpose, which I have directed to be laid before you.

A letter, dated the 23d ulto., has just been communicated to me from Thomas McKean and Edmund Physick, Esquires, attorneys of the late proprietaries, relative to the vacant and unappropriated lands in this State, the quit rents, alienation fines, and monies in arrear, which is claimed by them on behalf of the said late proprietaries. They have deemed it expedient to make this communication to me, and I have directed the Secretary to lay the same before your Honors for your consideration.

The Secretary will also deliver a resignation of Jacob Broom, Esquire, dated the 16th ulto., of his commission as a Justice of the Peace for the County of New Castle; and also the resignation of John Clayton, Esquire, dated the 17th ulto., of his commis-

sion of third Justice of the Court of Common Pleas and Orphans' Court for the County of Kent.

I have also directed to be laid before you a letter of the 31st of January last, from his Excellency the Governor of Georgia, enclosing a concurrent resolution of the General Assembly of that State, instructing their Senators to move that the doors of the Senate of the United States be kept open, whilst sitting in their legislative capacity.

The act of Assembly entitled "An act to render parts of divers acts of Assembly, and certain law proceedings, more conformable to the present Constitution," operates, in many instances, very injuriously by restricting the several Courts of Quarter Sessions in issuing recommendations for the keeping of houses of public entertainment to the session annually held in the month of February, whereas, in a great variety of cases, the performance of that duty can be exercised at a subsequent session, if requisite, more beneficially, both to the public and the parties interested. The inconvenience complained of might be remedied with great facility, and I therefore recommend it to the attention of your
J. CLAYTON.

Dover, May 2d, 1792.

Adjourned to eight o'clock to-morrow morning.

SATURDAY, May 5th, 1792, A. M.

Council assembled. Present as yesterday.

On motion, the resolution of the House of Assembly of yesterday, respecting the adjournment to this place, was read and non-concurred in.

Ordered, That Mr. Tilton wait on the House of Assembly and deliver the following verbal message, together with the following resolution, for their concurrence:

VERBAL MESSAGE TO THE HOUSE OF ASSEMBLY.

Gentlemen:

The Council, having taken into consideration the resolution of your honorable body, of yesterday, respecting the cause of adjournment of the present session from Dover to this place, have thought proper to return the same to your honorable body, together with a resolution unanimously agreed to by Council purporting the same, but more explanatory, and flatter themselves that it will meet with your unanimous approbation.

WHEREAS the Legislature, at their present meeting, were prevented sitting in the Court House, in Dover, by the Court House Commissioners refusing the use of the chambers formerly occupied by them; on which refusal the Legislative Council procured a room for their accommodation, and the House of Assembly having taken possession of the room in the Court House formerly occupied by them, and during the time of their sitting John Clayton, who declared he spoke the sentiments of the people of Kent County, did, as one of the Commissioners for completing the Court House, in Dover, request to be heard before the House of Assembly, and upon being admitted denied the House of Assembly the use of the chambers aforesaid for holding their sessions, demanding them to be delivered up for the use of workmen employed about the building, in consequence of which, and for the want of proper rooms for sitting in, both Houses have adjourned to Duck Creek Cross-Roads; therefore

Resolved unanimously, That, in the opinion of this General Assembly, the Legislature of this State ought not to be subject to the caprice of any individual in the State, and that it will not be proper for them to hold their sessions in the Town of Dover, and that it be recommended to the Convention of this State, and it is hereby recommended to said Convention, to fix the place of meeting of the Legislature, under the new Constitution, at Duck Creek Cross-Roads, unless the Levy Court of Kent County, or some other proper authority, shall, by an explicit act, appropriate to the use of the Legislature the chambers and office in the said Court House, agreeable to the intention of the Legislature heretofore expressed, and furnish the Convention with said proceedings.

Mr. Tilton reported that he had delivered the message and resolution agreeable to order.

Mr. Truitt, a member of Assembly, was admitted and presented a bill entitled "A supplement to the act for expediting the collection of the arrearage taxes," passed by the House of Assembly and sent for concurrence, which was, on motion, read.

Mr. McKennan, a member of Assembly, was admitted and presented sundry petitions, signed by a number of the inhabitants of New Castle County, praying an act to incorporate a company for the purpose of cutting and making a canal and lock navigation from the headwaters of the Brandywine Creek down along the same into the Borough of Wilmington, together with the following resolution of the House of Assembly:

IN THE HOUSE OF ASSEMBLY,

FRIDAY, P. M., May 4th, 1792.

WHEREAS it is represented to this General Assembly that a canal and lock navigation on the waters of Brandywine River, extending from Chester County, in Pennsylvania, through part of New Castle County to the Borough of Wilmington, is practicable, and, if executed, would be attended with great advantage to the agricultural and commercial interests of both States, this General Assembly, willing to encourage designs of such public utility, do

Resolve, That ——— be and they are hereby appointed commissioners on the part of this State to view the grounds through which the said canal is intended to pass, and, in conjunction with others on the part of Pennsylvania, to note down the elevations and distances by plot and survey, and to make an estimate of the probable expense, and report their proceedings to the next General Assembly, to whom it is recommended to make an adequate allowance to the said commissioners for their time, trouble, and expense in the performance of the said duty.

Names of the commissioners proposed: William McKennan, Esquire, Mr. James Morris, Mr. John Tennant, Mr. Charles Pope, and Daniel Rodgers, Esquire.

Extract from the minutes.

JAS. BOOTH,

Sent for concurrence.

Cl'k Assembly.

On motion, the foregoing resolution was read and non-concurred in.

Mr. Robinson, a member of Assembly, was admitted and returned the bill entitled "An act continuing in force an act for the amending and continuing the provisions made in the act entitled 'An act for auditing and arranging the accounts of this State, and for the more effectual settlement of the same,'" with an amendment proposed thereto by the House of Assembly, which was, on motion, read and concurred in.

Ordered that the said bill be now engrossed.

On motion, by special order,

The bill entitled "A supplement to an act entitled 'An act for expediting the collection of the arrearage taxes, and other purposes,'" was read a second time by paragraphs and passed Council.

Ordered, That Mr. Cooper return the said bill to the House of Assembly; which he did accordingly.

Mr. Tilton laid on the table the following resolution, viz:

WHEREAS a number of the inhabitants of New Castle have, by their petition to this General Assembly, set forth that a canal and lock navigation on the waters of Brandywine River, extending from Chester County, in Pennsylvania, thro' part of New Castle County to the Borough of Wilmington, is practicable, and, if executed, would be attended with great advantages to the agricultural and commercial interests of both States, this General Assembly, willing to encourage designs of such public utility, do

Resolve, That ——— be and they are hereby appointed commissioners on the part of this State, they, or any three of them, to view the ground thro' which the said canal is intended to pass, and, in conjunction with others on the part of Pennsylvania, to note down the elevation and distances by plot and survey, and to make an estimate of the probable expense, and report their proceedings to the next General Assembly, provided that the petitioners make compensation to the said commissioners for their time, trouble, and expense in the performance of the said duty.

Names of the commissioners proposed: Jacob Broom, Joseph Shallcross, Eleazar McComb, William McKennan, and Samuel Hollingsworth, Esquires.

On motion, said resolution was read and agreed to.

Ordered, That Mr. Tilton wait on the House of Assembly and deliver said resolution, for their concurrence; which he did accordingly.

The committee appointed to wait on his Excellency, the President, delivered the following communication from his Excellency, which was, by order, read:

Gentlemen of the Council:

Your committee have communicated to me a message from your honorable House, desiring to know my reasons for not commissioning the person chosen the last sitting of the General Assembly, as fourth Justice of the Court of Common Pleas for the County of Sussex.

By the 12th section of the Constitution of this State it is declared that the President and the General Assembly shall, by joint ballot, appoint the Justices of the Supreme Court, the Judge of Admiralty, and the Justices of the Courts of Common Pleas and Orphans' Courts. And, in the seventh section of the said Constitution, it is declared that, on the death, inability, or absence of the President from the State, the Speaker of the Legislative Council, for the time being, shall be Vice-President, &c. It is by the joint ballot of the President and General Assembly only that a constitutional appointment of a Justice of the Courts of Common Pleas of the County of Sussex, aforesaid, could, at the last session of the General Assembly, have been made, as no inability on my part, nor absence from the State, could have authorized the exercise of the powers of the President by any other person, agreeable to the provision contained in the seventh section of the Constitution.

The President of the State, where neither inability nor absence from the State takes place, is a constituent part of the body constitutionally vested with those appointments, and not being required by the Constitution or any law of this State to be constantly attendant on the General Assembly, ought, I conceive, to have received a notification to attend for the purpose of proceeding to such appointments, and in this opinion I was warranted by the invariable practice of the Legislature on every similar occasion which has occurred since the Revolution.

In the present instance of an election of a person as fourth

Justice of the Court of Common Pleas for the County of Sussex, although I had been for many days at the place where the sessions of the Legislature was held, and during the whole session was within the State, and exercising the office of President, I never received any notification or information whatever of the intention of the General Assembly to proceed to the said election; and as the said election was made without my knowledge or being present thereat, I cannot but deem it unconstitutional. Under these circumstances I consider myself bound, by the duty I owe to the public in the character of President, and by the solemn obligation of my oath, to refuse to commissionate the person thus unconstitutionally elected fourth Justice of the Court of Common Pleas for the County of Sussex.

J. CLAYTON.

Duck Creek Cross-Roads, May 4th, 1792.

On motion,

Ordered, That Mr. Shankland wait on the House of Assembly and deliver the following verbal message, which he did accordingly, viz:

Gentlemen:

The Council propose to the honorable House of Assembly the meeting of the General Assembly, in the Council Chamber, at 12 o'clock, in order to put in nomination persons out of whom shall be chosen a Justice to supply the vacancy in the Court of Common Pleas in the County of Sussex, occasioned by the death of Peter Fretwell Wright, Esquire; also to put in nomination persons out of whom shall be chosen a Justice to supply the vacancy in the Court of Common Pleas in the County of Kent, occasioned by the resignation of John Clayton, Esquire.

Mr. Maxwell, a member of Assembly, was admitted and returned the foregoing message, and the resolution respecting the adjournment of the General Assembly to Duck Creek Cross-Roads, disagreed to by the House of Assembly, and their resolution respecting said adjournment, which was non-concurred in by Council, adhered to by the House of Assembly.

Mr. Maxwell also presented the following resolution, which was, by order, read, viz:

IN THE HOUSE OF ASSEMBLY, May 5th, 1792, A. M.

Resolved, That it is the intention of this House to conclude the present session this afternoon at one o'clock, and that a copy of this resolution be sent to the Council for their information.

Extract from the minutes.

JAS. BOOTH, *Cl'k of Assembly*.

On motion, the resolution of Council respecting the adjournment of the General Assembly to Duck Creek Cross-Roads, disagreed to by the House of Assembly, was adhered to, as amended, and the resolution of the House of Assembly respecting said adjournment, rejected by Council and adhered to by that House, was, on motion, still rejected by Council.

Ordered, That Mr. Cooper wait on the House of Assembly and return the last mentioned resolutions; which he did accordingly.

Adjourned for one hour.

SATURDAY, 5th May, 1792, P. M.

Council assembled.

Mr. Many, a member of Assembly, was admitted and returned the resolution of Council respecting the canal and lock navigation, concurred in by the House of Assembly, and the blank was filled-up with the names of the Commissioners appointed by the General Assembly.

Mr. Barratt, a member of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, May 5th, 1792.

WHEREAS a vacancy hath happened in the representation of the County of Kent, in the Convention, occasioned by the death of James Sykes, Esq., and it is expedient that the same be supplied by a new election; therefore

Resolved, That it be recommended to the people of the said County of Kent to hold an election, at the Town of Dover, on Saturday, the nineteenth day of May, instant, for the choice of a suitable person to supply the aforesaid vacancy in the Convention, and that the said election be conducted, carried on, and completed agreeable to the directions prescribed by the General Assembly in the third of their resolutions of the eighth day of September, one thousand seven hundred and ninety-one, for electing deputies to compose a convention.

Ordered, That a copy of the above resolution be furnished to the Sheriff of the said County of Kent, who is hereby directed to give due notice thereof, agreeable to the fourth resolution of the General Assembly aforesaid.

Extract from the minutes.

JAS. BOOTH,

Sent for concurrence.

Cl'k of Assembly.

On motion, the above resolution was read, considered and agreed to.

Ordered, That Mr. Alexander wait on the House of Assembly and return the said resolution; which he did accordingly.

On motion,

Ordered, That the Speaker do now sign the engrossed bill entitled "An act continuing in force an act for the amending and continuing the provisions made in the act entitled 'An act for the auditing and arranging the accounts of this State, and for the more effectual settlement of the same;'" which he did accordingly.

Ordered, That Mr. Cooper wait on the House of Assembly and deliver them the said engrossed bill, to be signed by the Speaker of that House; which he did accordingly.

On motion,

Ordered, That an order be now drawn on the State Treasurer, and signed by the Speaker of Council, in favor of James Booth, Esquire, for the sum of ten shillings and four pence, for summoning and sending an express to one of the members of Council.

Whereupon an order was drawn and signed accordingly.

Mr. McKennan, a member of Assembly, was admitted and returned the resolution of Council respecting the adjournment of the General Assembly to Duck Creek Cross-Roads, concurred in by the House of Assembly, and their adherence to the resolution of that House on said adjournment receded from.

Mr. McKennan also presented the following resolution, together with the bills therein mentioned, signed by the Speaker of the House of Assembly, viz:

IN THE HOUSE OF ASSEMBLY, May 5th, 1792, P. M.

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following acts:

1. "A supplement to an act entitled 'An act for expediting the collection of arrearage taxes, and other purposes;'"
2. "An act continuing in force an act entitled 'An act for the amending and continuing the provisions made in the act entitled 'An act for auditing and arranging the accounts of this State, and for the more effectual settlement of the same.'"

Extract from the minutes.

JAS. BOOTH,

Sent for concurrence.

Cl'k of Assembly.

On motion,

Ordered That the Speaker of Council do now sign the first mentioned act in the above resolution.

Whereupon the Speaker signed the said bill accordingly.

On motion, the above resolution, for affixing the Great Seal, was read, considered and agreed to,

Ordered, That Mr. — do now return said resolution; which he did accordingly.

On motion,

Ordered, That an order be now drawn on the State Treasurer, and signed by the Speaker, in favor of John White, of Wilmington, for the sum of five pounds five shillings, for making a pair of venetian blinds for forty-light window, agreeable to the direc-

tion of John Gordon, deceased, for the chamber in the Court House at Dover.

Whereupon an order was drawn and signed accordingly.

On motion,

Ordered, That the Secretary of Council furnish the presiding member of the Convention of this State with a copy of the resolution of the General Assembly respecting their reason for adjourning the present session to Duck Creek Cross-Roads, at or before the next meeting of the Convention, in order that the same may be laid before the Convention.

Council made the following allowances:

To the Honorable George Mitchell, Esq., Speaker, for 6 days' attendance and mileage, ...	£ 8 4 0
To Nehemiah Tilton, Esq., for 7 days' attendance and mileage, ...	6 14 0
To Archibald Alexander, Esq., for 5 days' attend- ance and mileage, ...	5 5 0
To James Raymond, Esq., for 4 days' attendance and mileage (not charged or order drawn), ...	0 0 0
To Rhoads Shankland, Esq., for 6 days' attendance and mileage, ...	6 3 0
To Isaac Cooper, Esq., for 6 days' attendance and mileage, ...	6 8 0
To Charles Nixon, for 5 days' attendance as Secre- tary, engrossing, paper, &c., ...	5 11 2
To Thomas Wild, for 5 days' attendance as Door- keeper and bell-ringer, ...	2 8 9
To James Battell, for the use of the chamber in Dover,	1 10 0
	£42 3 11

Council adjourned to 20th October next.*

* There is no record of a meeting of the Council on the day to which it stood adjourned, a new Constitution having been adopted, in Convention, on the 12th day of June. The manuscript next in order is the minutes of a special session of the Senate, the General Assembly having been convened November 1, 1792, to choose Electors for President and Vice-President of the United States. This session was held in Dover.



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